

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF

**JUNE 21, 2002**

(Published June 29, 2002, in *Finance and Commerce*)

Council Chamber  
350 South 5<sup>th</sup> Street  
Minneapolis, Minnesota  
June 21, 2002 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Biernat, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, President Ostrow.

Goodman moved acceptance of the minutes of the regular meeting held June 7, 2002. Seconded.

Adopted upon a voice vote.

Goodman moved referral of petitions and communications and reports of the City officers to proper Council committees and departments. Seconded.

Adopted upon a voice vote.

## PETITIONS AND COMMUNICATIONS

### **COMMUNITY DEVELOPMENT (See Rep):**

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (267985)

Lot Division: Authorize division of lot at 412 22nd Avenue N.

MAYOR (267986)

Appointment to the Minneapolis Arts Commission: Appoint Jane Gregerson.

### **COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):**

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (267987)

East Phillips Commons, Phase 1: Adopt Lake and Bloomington Redevelopment Plan and East Phillips Commons, Phase 1 Tax Increment Finance Plan.

East River/Unocal site (825 Thornton St SE): Adopt East River/Unocal Redevelopment Plan and Tax Increment Finance Plan.

Deep Rock Site (2704 29th Avenue S): Appropriate funds for environmental investigation.

Chicago & Lake (Sears): Establish appropriation for use of rental income.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (267988)

Phillips NRP: Approve use of Hennepin County's second 7.5% funds for Aprendamos Computacion at South Area Family Resource Center at Andersen School.

Phillips NRP: Approve use of Minneapolis School's second 7.5% funds for Andersen School/Stewart Park playground and parking lot.

Kenwood NRP: Approve use of Minneapolis School's second 7.5% funds for Kenwood Community School playground.

**HEALTH AND HUMAN SERVICES:**

HEALTH AND FAMILY SUPPORT SERVICES (267989)  
Summer Youth Programs: Informational Report.

**HEALTH AND HUMAN SERVICES (See Rep):**

COORDINATOR (267990)

Commissioner of Health: Approve Mayor Rybak's nomination to reappoint David Doth for term to expire January 2, 2004; with comments.

HEALTH AND FAMILY SUPPORT SERVICES (267991)

Dislocated Worker Program: Execute Workforce Investment Act Title I Dislocated Worker and State Dislocated Worker Master Agreement to release funding for dislocated worker services during period July 1, 2002 through June 30, 2005.

Public Health Advisory Committee: Approve appointment of Patrick Ellis as member-at-large for term to expire December 31, 2003.

Minneapolis Private Industry/Workforce Council: Waive residency requirement for Mayoral appointees — Bill McCarthy; Obie Kipper; Dr. Tientrien Trinch.

Tubman Family Alliance: Amend Master Contract with Harriet Tubman Center to assign contract to newly formed Tubman Family Alliance.

**HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):**

HEALTH AND FAMILY SUPPORT SERVICES (267992)

Public Health Nursing Services: Accept \$800,000 in TANF funds from Minnesota Department of Health to provide home visiting and other support services to eligible Minnesota Family Investment Plan families and other low income families with children.

Public Health Laboratory: Authorize seek funding assistance from customers utilizing services of laboratory to assist with purchase of Laboratory equipment.

**INTERGOVERNMENTAL RELATIONS:**

INTERGOVERNMENTAL RELATIONS (267993)  
Draft 2002 Legislative Summary.

**INTERGOVERNMENTAL RELATIONS (See Rep):**

INTERGOVERNMENTAL RELATIONS (267994)

Hate Crimes Legislation (S. 625), w/Attachment.

Domestic Partner Benefits for Federal Employees Legislation (H.R. 638).

Cable Modem Service Franchise Fees: Authorizing staff to support local & national lobbying efforts; Request for appropriation increase (Also see W&M/Budget report of later date).

**PUBLIC SAFETY AND REGULATORY SERVICES:**

FIRE DEPARTMENT (267995)

Fire Code Enforcement Plan: Update.

LICENSES AND CONSUMER SERVICES (267996)

Fireworks Fact Sheet.

**PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):**

COORDINATOR (267997)

Fire Chief: Approve Mayor Rybak's nomination of Rocco Forté for term to expire January 2, 2004.

INSPECTIONS DEPARTMENT (267998)

Rental Dwelling License Board of Appeals: Approve reappointments for terms to expire December 31, 2003 and waiver of residency requirement for persons providing a unique and special benefit to City — Paul Kjornes; Steven Schactman; Clint Blaiser; Daisy Barton; Fathia Warsame; Wayne Jensen; and Brian Bushay.

Chapter 249 Properties: Authorize raze 3407 Lyndale Av N; Authorize rehabilitate 326 E 34th St, with attachment from Council Member Lilligren.

LICENSES AND CONSUMER SERVICES (267999)

Dairy Queen (2328 E Franklin Av): Grant Drive In Food License, subject to conditions.

Northside Foods (3559 Lyndale Av N): Grant Grocery and Tobacco Dealer License, subject to conditions.

Licenses: Applications; with comments re hours of operation for House of Lalibela Ethiopian Restaurant.

KAHN, PHYLLIS, ET AL. (268000)

Bicycle Licensing: Comments regarding repeal of requirement that bicycles in City must be registered.

**PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):**

FIRE DEPARTMENT (268001)

Domestic Preparedness Grant: Execute Grant Agreement with Minnesota Department of Public Safety, Division of Emergency Management for purchase of Mass Casualty Decon Unit with equipment; and Approve appropriation.

LICENSES AND CONSUMER SERVICES (268002)

Lead Hazard Reduction at 2222 Emerson Av N and 4219 2nd Av S: Authorize submit application to Hennepin County seeking \$14,000 in grant funds for cleanup of lead contamination.

POLICE DEPARTMENT (268003)

Automated Pawn System: Negotiate and implement housing and support services agreement for APS system with State of Minnesota.

PURCHASING (268004)

Handheld Ticketwriters for Traffic Control: OP #5862, accept low bid of Professional Parking Solutions to furnish, deliver and install handheld ticketwriters; and Authorize execute contract.

**RULES:**

ATTORNEY (268005)

Mayoral succession planning: Recommendations for changes in the Council Rules and City Charter.

**RULES (See Rep):**

ATTORNEY (268005.1)

Council Rules 1 and 4: Amendments relating to the committee of the whole presiding officer and conditions to allow the public to speak at the meeting.

Council Rule 14: Amendment allowing the presiding officer to speak on the pending question(s) before the vote is taken on the motion to close debate.

**TRANSPORTATION AND PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING (268006)

2002 Preservation Award: Recognize PW Dept for the best "new construction in a historic district" award from the Mpls Heritage Preservation Commission for the Main St SE Paving Proj.

Minneapolis Street Lighting Project: Discussion of the policy.

**TRANSPORTATION AND PUBLIC WORKS (See Rep):**

PUBLIC WORKS AND ENGINEERING (268007)

Encroachment Permit: Deny appeal of Grant Construction & Bejco Development Corporation.

Fulton St SE Renovation & Intersection Redesign (Fulton St SE from Oak St SE to Huron Blvd): Passage & summary publication of resolution designating the project location and improvements, direction to City Engineer to prepare proposed special assessment in the amount of \$258,100 & establishment of assessment public hearing.

Fridley Softening Plant: Authorize to execute an amendment to contract with Michaud Cooley Erickson Consulting Engineers to complete HVAC & increase contract by \$10,000.

Council Chamber Audio Visual System: Authorize execution of change order to contract with Alpha Video, Inc for lens adaptors in the amount of \$2,639.50.

Flood Mitigation Basin (E43rd and Park Av S): Authorize amendment to contract with Bonestroo, Rosene, Anderlik and Associates, Inc to extend contract to Dec 31, 2002 to finalize project work.

**TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):**

**PUBLIC WORKS AND ENGINEERING (268008)**

35th St Renovation, Special Improvement of Existing St #2960, & 36th St Renovation, of Existing St #2961: Passage and summary Resl to proceed & adopting special assessments for the proj; request Bd of Est & Tax to issue & sell bonds for \$212,860 for 35th St project; request Bd of Est & Tax to issue & sell bonds for \$184,080 for 36th St project.

Lake St Reconstruction (between Lyndale Av S & W River Pkwy): Streetscape improvements; Cost participation agreement with Hennepin County pending review of contract by the City Atty's office; City's share of cost, not to exceed \$550,000.

Intersection Redesign (Huron Blvd at Fulton St SE): Passage and summary Resl amending the capital budget to redesignate funds.

Water Works 34 Million Gallon Reservoir Project: Authorize amendment to contract with Veit & Companies for cleaning & lining a cast iron water main.

**PUBLIC WORKS AND ENGINEERING (268009)**

I-35W Access: Additional funding of \$60,000 for completion of planning & design studies to improve access to Lake St at I 35W and authorize amendment to the cost to share with Hennepin County.

800 MHz Project: Passage of Resolution increasing the appropriation by \$4,000,000 for early purchase of radio units.

Bids: Accept OP#5876, for Spiniello Companies for cleaning and lining a cast iron water main; OP#5865, for Global Specialty Contractors, for W 44th St improvements.

**PUBLIC WORKS AND ENGINEERING (268010)**

Lind-Bohanon Neighborhood Association Gateway Sign (49th Av & Lyndale Av N): Passage of Resolutions execution of an agreement with State to receive funds for the proj and increase the appropriation.

Prospect Park Neighborhood Speed Humps: Authorize installation of speed hump; passage of resl increasing the Transportation appropriation to fund the proj, with the amount to be reimburse through the Prospect Park - East River Road Neighborhood Revitalization Program.

Main St SE - Commercial Project: Passage of Resolution increasing the appropriation by \$183,500 for contractor costs, to be reimbursed by the State.

**WAYS AND MEANS BUDGET:**

**CONVENTION CENTER (268011)**

Convention Center Expansion Project: Change management actions.

**PLANNING COMMISSION/DEPARTMENT (268012)**

Appropriation Increase: Request for reappropriation of 2001 funds to be used for 2002 planning activities (deleted from Ways & Means agenda).

**WAYS AND MEANS BUDGET (See Rep):**

**ATTORNEY (268013)**

Legal Settlements: Claims of Terry and Beverly Shingledecker, Reikia Johnson and Nuro Dedefo.

**CONVENTION CENTER (268014)**

Convention Center Expansion Project Construction Change Orders: Increase contract with Gephart Electric, Harris Mechanical and Crawford Door Sales.

Salary Step Increase: Authorize step 6 salary for James Berg for the position of Facility Operations Supervisor.

Convention Center Maintenance and Warranty Management Services: Extend contract with Wallace Dube.

**COORDINATOR (268015)**

Reappointment of City Assessor: Mayor and Executive Committee recommendation to reappoint J. Scott Renne; City Assessor Annual Review.

**FINANCE DEPARTMENT (268016)**

Workers' Compensation Settlement: Claim of Larry Slavin.

Issuance of Equipment Bonds: Request the Board of Estimate and Taxation to issue and sell bonds for the purchase of fleet vehicles.

Accounting System Upgrade Project (GASB 34): Amend contract with Deloitte & Touche to include project management of the software upgrade to the finance system.

Job Bank Steering Committee: Report and recommendations regarding lifting of hiring freeze.

**HEALTH AND FAMILY SUPPORT SERVICES (268017)**

Federal Grant for Active Managerial Control Workshop: Appropriation increase for receipt of grant.

**HUMAN RESOURCES (268018)**

Reclassifications of Positions: Superintendent, Equipment Services; Assistant Director, Emergency Communications & Technology Bureau; and Director of Community Initiatives.

**INFORMATION AND TECHNOLOGY SERVICES (ITS) (268019)**

Accounting System Upgrade Project (GASB 34): Increase contract with Deloitte & Touche for inventory of City fixed assets.

**PLANNING COMMISSION/DEPARTMENT (268020)**

Central Av Crime Prevention Through Environmental Design (CPTED) Demonstration Project: Amend construction contract with Arrigoni Brothers Company increasing and extending the contract for additional project work.

**ZONING AND PLANNING:**

**CITY CLERK/SPECIAL PERMITS (268021)**

17th St N, 88 (Basilica Block Party) inflatables.

**INSPECTIONS/ZONING ADMINISTRATOR (268022)**

Auto Mart (501 W Lake St): Conditional use permit/site plan review revocation.

**ZONING AND PLANNING (See Rep):**

**PLANNING COMMISSION/DEPARTMENT (268023)**

Vacation:

The Lander Group: Portion of Dorman Ave for mixed use development at 4630 E Lake St.

MCDA: Portion of existing utility easement in vicinity of southeast side of 5th Ave S between Washington Ave S & 2nd St S.

Rezoning:

Trinity Housing Corp: 2805 E Lake St, 3015 & 3017 - 18th Ave S.

Zoning Code Text Amendment:

Residential Lot Dimension Requirement Tables: Ordinance amending Title 20, Chapter 548, amending minimum lot area requirements for dwelling units, as part of a mixed-use building in the commercial districts.

Environmental Assessment Worksheet (EAW): Cedar Lake's Hidden Beach Project: Petition of Jennifer Liebenow requesting EAW for vegetation management.

**PLANNING COMMISSION:**

**PLYMOUTH CHRISTIAN YOUTH CENTER (268024)**

Permission to vacate Oliver Av N from 23rd Av N to W Broadway N; alley from SE corner of 2202 Oliver to point it intersects with Oliver Av N; alley from NE corner of 2301 Oliver to point it intersects with Oliver Av N.

**FILED:**

CITY CLERK/SPECIAL PERMITS (268025)

41st Av S, 5212 (Trinity Lutheran Church) petting zoo; Franklin Av E, 2000 - 3200 (Seward Civic & Commerce Assn) business/neighborhood event; Garfield Av S, 2940 (Crosstown Sign) sign; Knox Av N, 4929 (William Lind) move house; Portland Av S, 2001 (Hope Community Inc) sign.

MAYOR (268025.1)

McKinsey & Company Final Report, dated June 14, 2002 -- Strengthening Community and Economic Development in Minneapolis.

**FILED (See Rep)**

ATTORNEY (268026)

Workers Compensation Payments.

**REPORTS OF STANDING COMMITTEES**

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

**Comm Dev** - Your Committee, having under consideration the division of a lot located at 412 22<sup>nd</sup> Avenue N, as set forth in Petn No 267985, and having conducted a public hearing thereon, now recommends passage and summary publication of the accompanying resolution approving the division, waiving the requirement of a subdivision plat and directing that a copy of said resolution be attached to the deeds conveying the subdivided parcels.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-208, approving the subdivision of a lot at 412 22<sup>nd</sup> Avenue North, was passed June 21, 2002 by the City Council and approved June 27, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2002R-208**

**By Goodman**

**Approving the subdivision of a lot at 412 22<sup>nd</sup> Avenue North.**

Whereas, the Minneapolis Community Development Agency (MCDA) has requested that a parcel of land located at 412 22<sup>nd</sup> Avenue North and legally described as:

**Parcel 1 (Torrens):**

Lot 12 and the West 20 feet front and rear of Lot 11, Block 2, Nickels and Smith's Addition to Minneapolis except the North 9/10 of a foot of said lots;

**Parcel 2 (Abstract):**

The North 9/10 of a foot of Lot 12 and the North 9/10 of a foot of the West 20 feet of Lot 11, Block 2, Nickels and Smith's Addition to Minneapolis; be subdivided as follows:

**Parcel A (Torrens):**

The South 41.5 feet of the following described property:

Lot 12 and the West 20 feet front and rear of Lot 11, Block 2, Nickels and Smith's Addition to Minneapolis except the North 9/10 of a foot of said lots, Hennepin County, Minnesota;

**Parcel B:**

**Parcel 1 (Torrens):**

Lot 12 and the West 20 feet front and rear of Lot 11, Block 2, Nickels and Smith's Addition to Minneapolis except the North 9/10 of a foot of said lots, and except the South 41.50 feet of said lots, Hennepin County, Minnesota;

**Parcel 2 (Abstract):**

The North 9/10 of a foot of Lot 12 and the North 9/10 of a foot of the West 20 feet of Lot 11, Block 2, Nickels and Smith's Addition to Minneapolis, Hennepin County, Minnesota; and

Whereas, the MCDA intends to convey the subdivided parcels listed above to the owners of the adjacent properties with the following parcels:

**Parcel A: 2201 4<sup>th</sup> Street North:** Lot 10 and the South 41 6/10 feet of the East 20 feet of Lot 11, Block 2, Nickels and Smith's Addition to Minneapolis;

**Parcel B: 2207 4<sup>th</sup> Street North:** Lot 9 and the North 45 feet of the East 20 feet of Lot 11, Block 2, Nickels and Smith's Addition to Minneapolis; and

Whereas, the proposed subdivision conforms with Minnesota Statutes Section 462.358 and Land Subdivision Regulations adopted by the Minneapolis City Council on July 14, 1995; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on May 31, 2002, a public hearing on said subdivision and proposed sale was duly held in a joint meeting of the Community Development Committee of the City Council and the Operating Committee of the MCDA at 1:30 p.m., June 10, 2002, in Room 317, Minneapolis City Hall, 350 South 5th Street, in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the division of the above-described property be approved and the requirement of a subdivision plat be waived.

Be It Further Resolved that a certified copy of this resolution shall be attached to the deeds conveying the subdivided parcels.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev** - Your Committee recommends concurrence with the recommendation of the Mayor to appoint Jane Gregerson, 2200 West 49th Street, Ward 13, to serve as a Lay Person on the Minneapolis Arts Commission for a two-year term to expire January 31, 2004.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**Comm Dev & W&M/Budget** - Your Committee recommends concurrence with the recommendation of the Interim Executive Director of the Minneapolis Community Development Agency (MCDA) to approve passage and summary publication of the accompanying Resolution adopting the Lake and Bloomington Redevelopment Plan and the East Phillips Commons, Phase 1, Tax Increment Finance Plan.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 21, 2002. P. Ostrow, Acting Mayor.

Attest: M. Keefe, City Clerk.

(Published June 25, 2002)

Resolution 2002R-209, adopting the Lake and Bloomington Redevelopment Plan and the East Phillips Commons, Phase 1 Tax Increment Finance Plan, was passed June 21, 2002 by the City Council and approved June 21, 2002 by the Acting Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2002R-209**  
**By Goodman and Johnson**

**Adopting the Lake and Bloomington Redevelopment Plan and the East Phillips Commons,  
Phase 1 Tax Increment Finance Plan.**

Resolved by The City Council of The City of Minneapolis:

**Section 1. Recitals.**

1.1. Pursuant to Laws of Minnesota 1980, Chapter 595, as amended, and the Minneapolis Code of Ordinances, Chapter 422, as amended, the Housing and Redevelopment Authority in and for the City of Minneapolis has been reorganized, granted additional powers, and designated the Minneapolis Community Development Agency (the "Agency") with the authority to propose and implement redevelopment projects and tax increment financing ("TIF") districts, among other things, all pursuant to Minnesota Statutes, Sections 469.001 to 469.068, 469.109 to 469.134, 469.152 to 469.165, and 469.174 through 469.179 as amended, except Sections 469.033, Subdivision 6, and 469.060.

1.2. It has been proposed that the Agency prepare the Lake and Bloomington Redevelopment Plan and the East Phillips Commons, Phase 1 TIF Plan (the "Plans") to provide the legal authority for the creation of a new redevelopment project, and a new TIF district, which Plans reflect the establishment of objectives for the redevelopment of the project, designation of project boundaries, designation of property that may be acquired, identification of land uses, a budget for public redevelopment costs, and the establishment and preservation of the right of the City to create one or more redevelopment tax increment financing districts that include parcels in the Lake and Bloomington Redevelopment Project (the "Project Area"), all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047 and 469.174 through 469.179, as amended.

1.3. The Agency has prepared, and this City Council (the "Council") has examined the proposed Plans that describe more precisely the activities to be undertaken, the public costs, the designation of the Project Area, objectives for the redevelopment of the Project Area, including land uses for the redevelopment of the project area, property acquisition, a budget for expenditures, and the facts supporting the Plans. The Council has reviewed the legal authorization to establish a new TIF district for the proposed redevelopment project, and to authorize public redevelopment activities and expenditures necessary to assist this project. Anticipated public redevelopment activities include property acquisition, demolition, relocation, administration and other related activities, all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047 and 469.174 through 469.179, as amended (the "Laws").

1.4. The Agency and the Council have performed all actions required by law to be performed prior to the adoption of the Plans, including, but not limited to, a review of the proposed Plans by the affected neighborhood groups and the Planning Commission, transmittal of the proposed Plans to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for their review and comment, and the holding of a public hearing after published and mailed notice as required by law.

1.5. The East Phillips Commons, Phase 1 TIF District (the "TIF District") is being established within and under the authority of the Project Area.

**Section 2. Findings for the Adoption of the Plans.**

2.1. The Council hereby finds, determines and declares that the Plans will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Project Area and TIF District by private enterprise as the proposed redevelopment removes blight and significant blighting influences, provides a variety of homeownership and rental units, including affordable housing, enhances the city's tax base, will serve as an impetus for redevelopment of the area, and will provide relief from hazardous traffic patterns, inadequate parking facilities, and impediments to the flow of traffic.



2.2. The Council further finds, determines and declares that the Plans conform to the general plan for the development or redevelopment of the City as a whole. Written comments of the Planning Commission with respect to the Plans were issued, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.3. The Council further finds, determines and declares that the proposed redevelopment would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future, and the use of tax increment financing is deemed necessary because financial assistance is required to eliminate inconsistent uses, boarded, blighted and vacant parcels, resulting in the provision of needed affordable housing units, needed parking, the revitalization of the 29<sup>th</sup> Street Corridor, and encourage development that includes improvements to existing transit options. Revenue generated from the project is not sufficient to fully amortize the cost of acquisition, demolition and construction. The site contains a large number of boarded and condemned houses as well as deteriorated drug houses, and has created a place for flourishing of drug sales and prostitution.

2.4. The Council further finds, determines and declares that the property to be included in the Project Area meets the statutory definition of a blighted area due to the presence of blighted, vacant and boarded structures, vacant and underutilized land, functionally obsolete and hazardous structures, and further, the site characteristics indicate significant blighting influences caused by the volume of congestion of traffic on E. Lake Street and difficult characteristics of the site, all of which may have contributed to and prevented normal development of the land in the past. It was also found that with reasonable certainty, deficiencies exist in several buildings that are below standards of the Uniform Building Code applicable to new buildings and that several buildings at the location are structurally substandard in accordance with the Laws, because the costs of repairs to comply with standards of the building code exceed 15% of the properties' replacement value, and other factors, which have prevented normal development. The proposed TIF District contains two non-contiguous areas, separated by the proposed Midtown Greenway parcels, and each area qualifies for inclusion in the TIF District in accordance with 469.174, Subd. 10 (a). Of the four parcels included in the northerly portion of the TIF District, three parcels had improvements and/or buildings that were considered structurally substandard, thereby qualifying this portion of the TIF District for inclusion in a TIF District; further, the remaining 18 parcels included in the TIF District that lie south of E. 29<sup>th</sup> Street and the proposed Midtown Greenway include vacant lots, boarded and vacant buildings, property that is unused, underused, inappropriately used, or infrequently used, marginal properties, and substandard parcels. The marginal properties had minor repairs and code violations that did not exceed the thresholds to be considered structurally substandard. Further, vacant residential property contained broken windows and interior areas open to the elements, with damage caused by vandalism or disuse, dilapidated out buildings, and graffiti covered walls. Exterior inspections revealed the presence of roof damage caused by ice damming and worn roofing materials, damaged siding and trim, broken storm doors and windows, garage framing and doors out of plumb and in need of paint, trash on site, garage doors open directly onto the alley, and vacant commercial and residential buildings. When permitted, internal and external inspections were conducted on the properties to be included in the TIF District, and the Agency used its best efforts to obtain permission from the property owners to gain access to the property. Therefore, it is found that the TIF District and Project Area contain buildings that are substandard as defined in Minnesota Statutes, Section 469.002, Subdivision 11 and Section 469.174, Subdivision 10. Detailed and documented parcel-by-parcel interior and/or external inspections of the properties to be included in the TIF District were conducted and that the reasons and supporting facts for these determinations are retained and available from the Agency. It is the intent of the Plans to establish and preserve the right of the City to create one or more redevelopment TIF Districts that includes parcels in the Project Area, as needed, within three years of demolition or acquisition, pursuant to Minnesota Statutes, Section 469.174, Subdivision 10.

2.5. The Council further finds, determines and declares that the objectives and actions authorized by the Plans are all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047 and Sections 469.174 through 469.179, as amended.

2.6. The Council further finds, determines and declares that the municipality elects the method of tax increment computation set forth in Minnesota Statutes, Section 469.177, Subdivision 3(a), and that it is the intent of the City and Agency that any fiscal disparity contribution required of the City for development occurring within this TIF District be taken from outside this TIF District.

2.7. The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Plans.

**Section 3. Approval of the Plans; Creation of Project Area and TIF District.**

3.1 Based upon the findings set forth in Section 2 hereof, the Plans presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

3.2. Based upon the findings set forth in Section 2 hereof, the Lake and Bloomington Redevelopment Project is hereby created and established.

3.3. Based upon the findings set forth in Section 2 hereof, the East Phillips Commons, Phase 1 TIF District is hereby created and established.

**Section 4. Implementation of the Plans.**

4.1. The officers and staff of the City and the Agency, and the City's and the Agency's consultants and counsel, are authorized and directed to proceed with the implementation of the Plans, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further plans, resolutions, documents and contracts necessary for this purpose.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 21, 2002. P. Ostrow, Acting Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee recommends concurrence with the recommendation of the Interim Executive Director to approve passage and summary publication of the accompanying Resolution adopting the East River/Unocal Redevelopment Plan and Tax Increment Finance Plan.

Your Committee further recommends passage of the accompanying Resolution, amending the 2002 MCDA Appropriation Resolution to establish an appropriation in Fund CUN0 (East River/Unocal Site), in the amount of \$1,600,000.

Your Committee further recommends that appropriate staff of the MCDA be directed to seek State legislative changes relating to tax increment, which would provide for second mortgage proceeds to be reinvested in the retention of affordable housing units.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 21, 2002. P. Ostrow, Acting Mayor.

Attest: M. Keefe, City Clerk.

(Published June 25, 2002)

Resolution 2002R-210, adopting the East River/Unocal Site Redevelopment Plan and the East River/Unocal Site Tax Increment Finance Plan, was passed June 21, 2002 by the City Council and approved June 21, 2002 by the Acting Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2002R-210**

**By Goodman and Johnson**

**Adopting the East River/Unocal Site Redevelopment Plan and the East River/Unocal Site Tax Increment Finance Plan.**

Resolved by The City Council of The City of Minneapolis:

**Section 1. Recitals.**

1.1. Pursuant to Laws of Minnesota 1980, Chapter 595, as amended, and the Minneapolis Code of Ordinances, Chapter 422, as amended, the Housing and Redevelopment Authority in and for the City of Minneapolis has been reorganized, granted additional powers, and designated the Minneapolis Community Development Agency (the "Agency") with the authority to propose and implement redevelopment projects and tax increment financing ("TIF") districts, among other things, all pursuant to Minnesota Statutes, Sections 469.001 to 469.068, 469.109 to 469.134, 469.152 to 469.165, and 469.174 through 469.179 as amended, except Sections 469.033, Subdivision 6, and 469.060.

1.2. It has been proposed that the Agency prepare the East River/Unocal Site Redevelopment Plan and the East River/Unocal Site TIF Plan (the "Plans") to provide the legal authority for the creation of a new redevelopment project, and a new TIF district, which Plans reflect the establishment of objectives for the redevelopment of the project, designation of project boundaries, designation of property that may be acquired, identification of land uses, and a budget for public redevelopment costs, all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047 and 469.174 through 469.179, as amended.

1.3. The Agency has prepared, and this Council has examined the proposed Plans that describe more precisely the activities to be undertaken, the public costs, the designation of the project area, objectives for the redevelopment of the project area, including land uses for the redevelopment of the project area, property acquisition, a budget for expenditures, and the facts supporting the Plans. The Council has reviewed the legal authorization to establish a new TIF district for this project, and to authorize public redevelopment activities and expenditures necessary to assist this project. Anticipated public redevelopment activities include property acquisition, relocation, pollution cleanup, site preparation, removal of contaminated soil and disposal of contaminated soil at an appropriate landfill, affordable housing costs, administration and other related activities, all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047 and 469.174 through 469.179, as amended.

1.4. The Agency and the City have performed all actions required by law to be performed prior to the adoption of the Plans, including, but not limited to, a review of the proposed Plans by the affected neighborhood groups and the Planning Commission, transmittal of the proposed Plans to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for their review and comment, and the holding of a public hearing after published and mailed notice as required by law.

1.5. The East River/Unocal Site TIF District is being established within and under the authority of the East River/Unocal Site Redevelopment Project.

**Section 2. Findings for the Adoption of the Plans.**

2.1. The Council hereby finds, determines and declares that the Plans will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Project Area and TIF District by private enterprise as the proposed redevelopment removes blight, cleans up contaminated land that has a long history of contamination from petroleum products, provides a variety of new homeownership units, including on-site and off-site affordable housing, and enhances the city's tax base.

2.2. The Council further finds, determines and declares that the Plans conform to the general plan for the development or redevelopment of the City as a whole. Written comments of the Planning Commission with respect to the Plans were issued, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.3. The Council further finds, determines and declares that the proposed redevelopment would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future, and the use of tax increment financing is deemed necessary because financial assistance is required to redevelop a former tank facility that had a capacity of more than 1,000,000 gallons, and contains contaminated soils in places, from surface to bedrock with volatile organic compounds, semivolatiles and petroleum hydrocarbons. Further, the developer submitted a new Response Action Plan (RAP) to the PCA requesting the acceptance of the site in the VIC Program.

This change has been approved by the MPCA and will aid in accelerating the cleanup process and in attaining a level of cleanup that will permit a residential reuse. The high cost of cleaning up the pollution on the site makes redevelopment prohibitively expensive without the use of tax increment assistance. The land has been vacant since 1992 when structures on the property were demolished. This project has received financial commitments from the State Department of Trade and Economic Development, the Metropolitan Council, and from Hennepin County to fund part of the cost of pollution cleanup. However, these State, regional, and local contributions will not cover the entire cost of pollution cleanup and site preparation, and tax increment financing is the only alternative source to fund the remainder of these costs.

Further, the TIF Act requires that a potential TIF district must also pass a new market value test in order to make a finding that development could not occur without tax increment assistance. The calculations necessary to pass this test are contained on page 13 of the TIF plan. As shown there, the public redevelopment activity, expenditures, and market values associated with the redevelopment that is proposed in this TIF plan results in a series of calculations and figures that clearly pass the market value test, as the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the TIF district permitted by the Plans. Therefore, it is the opinion of the City of Minneapolis that the proposed redevelopment project to be financed, in part, by this TIF District would not occur solely through private investment within the foreseeable future.

2.4. The Council further finds, determines and declares that the property to be included in the Project Area and TIF District meets the statutory definition of a redevelopment Project Area as defined in the Minnesota Statutes, Section 469.002, Subdivision 14 and redevelopment TIF District as defined in the Minnesota Statutes, Section 469.174, Subdivision 10 (a) (3).

"tank facilities, or property whose immediately previous use was for tank facilities, as defined in section 115C.02, subdivision 15, if the tank facilities:

- (i) have or had a capacity of more than 1,000,000 gallons
- (ii) are located adjacent to rail facilities; and
- (iii) have been removed or are unused, underused, inappropriately used, or infrequently used".

The Council further finds the subject property is a former tank facility that had a capacity of more than 1,000,000 gallons and is documented by the Minneapolis Fire Department records of petroleum storage tanks revealing the site had a storage tank capacity of more than 1.7 million gallons in 1933, 1941 and 1957; the tanks have been removed; and the site contains soils underneath the property that are contaminated in places, from surface to bedrock with volatile organic compounds, semivolatiles and petroleum hydrocarbons. Low concentrations of dioxins, furans, pesticides, herbicides and metals were also found in the soil. Perched ground water in the soil on top of the bedrock is also contaminated with volatile organic compounds, semivolatiles, pesticides, herbicides, and metals. Free petroleum product can be found floating on the perched ground water near the former storage tank area. While some clean-up actions have been taken, the developer proposes a cleanup that goes beyond the required clean-up by the State Superfund Program, in order to allow the property to be redeveloped for residential purposes. It is therefore found that the land is vacant and blighted as defined in Minnesota Statutes, Section 469.002, Subdivision 14 and Section 469.174, Subdivision 10 (a) (3) and the reasons and supporting facts for these determinations are retained and available from the Agency.

2.5. The Council further finds, determines and declares that the objectives and actions authorized by the Plans are all pursuant to and in accordance with Minnesota Statutes, Sections 469.001 through 469.047 and Sections 469.174 through 469.179, as amended.

2.6. The Council further finds, determines and declares that the municipality elects the method of tax increment computation set forth in Minnesota Statutes, Section 469.177, Subdivision 3(a), and that it is the intent of the City and Agency that any fiscal disparity contribution required of the City for development occurring within this District be taken from outside this District.

2.7. The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Plans.

**Section 3. Approval of the Plans; Creation of Project and District.**

3.1 Based upon the findings set forth in Section 2 hereof, the Plans presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

3.2. Based upon the findings set forth in Section 2 hereof, the East River/Unocal Site Redevelopment Project is hereby created and established.

3.3. Based upon the findings set forth in Section 2 hereof, the East River/Unocal Site TIF District is hereby created and established.

**Section 4. Implementation of the Plans.**

4.1. The officers and staff of the City and the Agency, and the City's and the Agency's consultants and counsel, are authorized and directed to proceed with the implementation of the Plans, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further plans, resolutions, documents and contracts necessary for this purpose.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 21, 2002. P. Ostrow, Acting Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-211  
By Goodman and Johnson**

**Amending The 2002 Minneapolis Community Development Agency Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended to establish an appropriation in Fund CUN0, in the amount of \$1,600,000, and to establish a revenue budget in Fund CUN0 (3910-01 Proceeds of Bonds), in the amount of \$1,600,000.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 21, 2002. P. Ostrow, Acting Mayor.

Attest: M. Keefe, City Clerk.

(Published June 25, 2002)

**Comm Dev & W&M/Budget** - Your Committee, having under consideration environmental assessment costs relating to the property known as the Deep Rock Site, which is located at 2704 29<sup>th</sup> Avenue South (formerly 2801 E 27<sup>th</sup> Street), currently owned by the Minneapolis Community Development Agency (MCDA), and having received notification that an insufficient amount was budgeted by the MCDA to address the extensive environmental testing and assessment work being required by the Minnesota Pollution Control Agency, now recommends concurrence with the Interim Executive Director of the MCDA, recommending passage of the accompanying Resolution, amending the 2002 MCDA Appropriation Resolution by increasing the appropriation in Fund CDR0 (Deep Rock) by \$40,000 to provide required funds.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-212  
By Goodman and Johnson**

**Amending The 2002 Minneapolis Community Development Agency Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund CDR0 by \$40,000 from the projected fund balance.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board, approving the use of \$250,000 of Hennepin County's "second 7.5%" NRP Funds to support Aprendamos Computacion at the South Area Family Resource Center at Andersen School in the Phillips neighborhood, now recommends:

a) That the use of Hennepin County's "second 7.5%" NRP funds, in the amount of \$250,000, be approved for support of Aprendamos Computacion at the South Area Family Resource Center at Andersen School in the Phillips neighborhood;

b) Passage of the accompanying Resolution amending the 2002 Minneapolis Community Development Agency (MCDA) Appropriation Resolution, increasing the NRP Program Fund (CNR0) by \$250,000;

c) That the proper City officers be authorized to execute the contracts or agreements required to implement the action; and

d) That this action be transmitted to the Board of Commissioners of the MCDA for authorization to execute the required contracts or agreements.

Goodman moved to substitute the following report for the above report. Seconded. Adopted upon a voice vote.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board, approving the use of \$52,600 of Hennepin County's "second 7.5%" NRP Funds to support Aprendamos Computacion at the South Area Family Resource Center at Andersen School in the Phillips neighborhood, now recommends:

a) That the use of Hennepin County's "second 7.5%" NRP funds, in the amount of \$52,600, be approved for support of Aprendamos Computacion at the South Area Family Resource Center at Andersen School in the Phillips neighborhood;

b) Passage of the accompanying Resolution amending the 2002 Minneapolis Community Development Agency (MCDA) Appropriation Resolution, increasing the NRP Program Fund (CNR0) by \$52,600;

c) That the proper City officers be authorized to execute the contracts or agreements required to implement the action; and

d) That this action be transmitted to the Board of Commissioners of the MCDA for authorization to execute the required contracts or agreements.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-213**  
**By Goodman and Johnson**

**Amending The 2002 Minneapolis Community Development Agency Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the NRP Program Fund (CNR0) by \$52,600 from the projected fund balance to support

Aprendamos Computacion at the South Area Family Resource Center at Andersen School in the Phillips neighborhood.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the use of \$250,000 of Minneapolis Schools' "second 7.5%" NRP Funds for improvements made at the Andersen School/Stewart Park playground and parking lot, now recommends:

a) That the use of Minneapolis Schools' "second 7.5%" NRP funds, in the amount of \$250,000, be approved for improvements at the Andersen School/Stewart Park playground and parking lot;

b) Passage of the accompanying resolution amending the 2002 Minneapolis Community Development Agency (MCDA) Appropriation Resolution, increasing the NRP Program Fund (CNR0) by \$250,000;

c) That the proper City officers be authorized to execute the contracts or agreements required to implement said improvements; and

d) That this action be transmitted to the Board of Commissioners of the MCDA for authorization to execute the required contracts or agreements.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

#### **RESOLUTION 2002R-214**

**By Goodman and Johnson**

#### **Amending The 2002 Minneapolis Community Development Agency Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the NRP Program Fund (CNR0) by \$250,000 from the projected fund balance for improvements made at the Andersen School/Stewart Park playground and parking lot.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the use of \$14,518 of Minneapolis Schools' "second 7.5%" NRP Funds for playground improvements at Kenwood Community School, now recommends:

a) That the use of Minneapolis Schools' "second 7.5%" NRP funds, in the amount of \$14,518, be approved for playground improvements at Kenwood Community School;

b) Passage of the accompanying Resolution amending the 2002 Minneapolis Community Development Agency (MCDA) Appropriation Resolution, increasing the NRP Program Fund (CNR0) by \$14,518;

c) That the proper City officers be authorized to execute the contracts or agreements required to implement said improvements; and

d) That this action be transmitted to the Board of Commissioners of the MCDA for authorization to execute the required contracts or agreements.

Adopted. Yeas, 13; Nays none.  
Passed June 21, 2002.  
Approved June 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-215**  
**By Goodman and Johnson**

**Amending The 2002 Minneapolis Community Development Agency Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the NRP Program Fund (CNR0) by \$14,518 from the projected fund balance for playground improvements at Kenwood Community School.

Adopted. Yeas, 13; Nays none.  
Passed June 21, 2002.  
Approved June 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the Chicago and Lake (Sears) Project, now recommends passage of the accompanying Resolution amending the 2002 Minneapolis Community Development Agency (MCDA) Appropriation Resolution to establish an appropriation in Fund EDP0 (Defaulted Property Management), in the amount of \$957,000, to provide for the use of rental income for ongoing property expenses, contracting professional services, and purchasing property at 2901 11<sup>th</sup> Avenue South for inclusion in said project.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA to authorize a waiver of the MCDA procurement policy.

Adopted. Yeas, 13; Nays none.  
Passed June 21, 2002.  
Approved June 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-216**  
**By Goodman and Johnson**

**Amending The 2002 Minneapolis Community Development Agency Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended to establish an appropriation in Fund EDP0, in the amount of \$957,000, and to establish a revenue budget in Fund EDP0 (3715-Rental Income), in the amount of \$957,000.

Adopted. Yeas, 13; Nays none.  
Passed June 21, 2002.  
Approved June 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

The **HEALTH & HUMAN SERVICES** Committee submitted the following report:

**H&HS** - Your Committee, having under consideration the Mayor's nomination and approval by the Executive Committee of the reappointment of David Doth to serve as the Commissioner of Health for a term to expire January 2, 2004, and having held a public hearing thereon, now recommends approval of said reappointment.



Adopted. Yeas, 13; Nays none.  
Passed June 21, 2002.  
Approved June 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**H&HS** - Your Committee, having under consideration the Dislocated Worker Program, now recommends that the proper City Officers be authorized to execute the Workforce Investment Act (WIA) Title I Dislocated Worker and State Dislocated Worker Master Agreement to provide for the release of funding for dislocated worker services during the period July 1, 2002 through June 30, 2005.

Adopted. Yeas, 13; Nays none.  
Passed June 21, 2002.  
Approved June 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**H&HS** - Your Committee recommends that Patrick Ellis be appointed to the Public Health Advisory Committee as a member-at-large for a two-year term to expire December 31, 2003.

Adopted. Yeas, 13; Nays none.  
Passed June 21, 2002.  
Approved June 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**H&HS** - Your Committee, having under consideration the Mayoral appointment of members to the Minneapolis Private Industry/Workforce Council which oversees the operation of the City's employment and training programs, now recommends that the residency requirement contained in Section 14.180(m)(3) of the Minneapolis Code of Ordinances be waived so that the Mayor may appoint the following persons to said Council:

- a. Bill McCarthy representing labor;
- b. Obie Kipper representing a vocational rehabilitation agency;
- c. Dr. Tientrien Trinch representing small business on said Council.

Adopted. Yeas, 13; Nays none.  
Passed June 21, 2002.  
Approved June 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**H&HS** - Your Committee, having under consideration the newly formed Tubman Family Alliance which resulted from a merger between Harriet Tubman Center Inc and the Family Violence Network, now recommends that the proper City Officers be authorized to amend Master Contract #17701 with the Harriet Tubman Center Inc to assign the contract to said newly formed Alliance. All services previously contracted for by the City will continue to be provided by the new Tubman Family Alliance.

Adopted. Yeas, 13; Nays none.  
Passed June 21, 2002.  
Approved June 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**H&HS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept \$800,000 in federal TANF (Temporary Assistance to Needy Families/Welfare) funds from the Minnesota Department of Health to provide public health nursing family home visiting services, through contracts with Hennepin County and community partners, to Minnesota Family Investment Plan (MFIP) families and low income families with children during the period January 1 through June 30, 2002.

Your Committee further recommends passage of the accompanying Resolution appropriating \$800,000 to the Health & Family Support Agency to reflect receipt of said funds.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-217**  
**By Johnson Lee and Johnson**

**Amending The 2002 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8621) by \$800,000 and increasing the Revenue Source (030-860-8621 - Source 3210) by \$800,000.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**H&HS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to seek funding assistance from customers utilizing the services of the Public Health Laboratory in order to assist with the purchase of laboratory equipment.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following reports:

**IGR** - Your Committee recommends that the Council support S. 625 relating to hate crimes legislation ("Local Law Enforcement Enhancement Act of 2001"), to allow federal investigators and prosecutors to work on crimes motivated by prejudice with respect to race, gender, religion, disability and sexual orientation and for other purposes, and that the issue be added to the City's Fiscal Year 2003 Federal Legislative Agenda.

Adopted. Yeas, 11; Nays, 2 as follows:

Yeas - Biernat, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Ostrow.

Nays - Goodman, Lane.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**IGR** - Your Committee recommends that the Council support H.R. 638 relating to domestic partner benefits for Federal employees legislation ("Domestic Partnership Benefits and Obligations Act of 2001"), and that the issue be added to the City's Fiscal Year 2003 Federal Legislative Agenda.

Adopted. Yeas, 9; Nays, 4 as follows:

Yeas - Biernat, Zimmermann, Schiff, Zerby, Lilligren, Johnson, Niziolek, Benson, Ostrow.

Nays - Johnson, Colvin Roy, Goodman, Lane.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**IGR** - Your Committee, having under consideration Federal Homeland Security direct reimbursements to cities, now recommends that the City of Minneapolis calls on Congress in authorizing any strategic counter-terrorism plan, to provide a significant increase in direct funding to local governments for preparedness and response activities, including training, threat and vulnerability assessments, effective emergency communications systems, public health systems and critical infrastructure protection.

Your Committee further recommends that the issue be added to the City's Fiscal Year 2003 Federal Legislative Agenda.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**IGR** - Your Committee, having under consideration cable modem service franchise fees and the Federal Communications Commission's Declaratory Order finding that cable modem service offered over a cable system is an "interstate information service" and therefore the service is neither a telecommunication service subject to state or federal telecommunications regulations nor a cable service subject to local cable franchise requirements, now recommends that the appropriate staff in Intergovernmental Relations (IGR), Attorney's Office, and ITS Division of Telecommunications & Media Services support local and national lobbying efforts by the U.S. Conference of Mayors, National League of Cities, and National Association of Telecommunications Officers and Advisors, and commentary in the Rulemaking process related to the FCC ruling which preempts cities' ability to collect franchise fees on cable modem services.

Your Committee further recommends that the request for appropriation increase of \$10,000 from the Cable Franchise fee revenue to IGR as a contribution to these efforts be referred to the Ways & Means/Budget Committee.

Benson moved that the report be referred to the Ways & Means/Budget Committee. Seconded.

Adopted upon a voice vote.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

**PS&RS** - Your Committee, having under consideration the application of Hard Rock Cafe International (USA) Inc, dba Hard Rock Cafe, 600 Hennepin Av, for an On-Sale Liquor Class B with Sunday Sales License (new business) to expire July 1, 2003, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 12; Nays none.

Declining to Vote - Benson.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the application of Tea House LLC, dba House of Lalibela Ethiopian Restaurant, 3300 E Lake St, for an On-Sale Liquor Class C-2 with Sunday Sales License (upgrade from On-Sale Wine Class C-2 with Strong Beer) to expire April 1, 2003, and having held a public hearing thereon, now recommends that said license be granted, subject to the following conditions:

- a. that the hours of operation do not exceed the following:
  - Monday through Thursday 5:00 p.m. to 11:00 p.m.;
  - Friday and Saturday 5:00 p.m. to 1:00 a.m.;
  - Sunday 5:00 p.m. to 10:00 p.m.
- b. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 12; Nays none.  
Declining to Vote - Benson.  
Passed June 21, 2002.  
Approved June 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the application of Indian Restaurants of Minnesota LLC, dba New Delhi Bar & Restaurant, 1400 Nicollet Av, for an On-Sale Liquor Class B with Sunday Sales License (change in ownership from Snoodles Twelve LLC) to expire April 1, 2003, now recommends that a provisional license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 12; Nays none.  
Declining to Vote - Benson.  
Passed June 21, 2002.  
Approved June 21, 2002. P. Ostrow, Acting Mayor.  
Attest: M. Keefe, City Clerk.  
(Published June 25, 2002)

**PS&RS** - Your Committee, having under consideration the application of Kamprud Enterprises Inc, dba Pizza Pie & I, 4205 E 34th St, for an On-Sale Wine Class E with Strong Beer License (change from On-Sale Beer Class E) to expire April 1, 2003, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 12; Nays none.  
Declining to Vote - Benson.  
Passed June 21, 2002.  
Approved June 21, 2002. P. Ostrow, Acting Mayor.  
Attest: M. Keefe, City Clerk.  
(Published June 25, 2002)

**PS&RS** - Your Committee, having under consideration the application of DCJ LLC, dba The Sample Room, 2124 Marshall St, for an On-Sale Liquor Class E with Sunday Sales License (new proprietor) to expire April 1, 2003, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 12; Nays none.  
Declining to Vote - Benson.  
Passed June 21, 2002.  
Approved June 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the application of Never Enough Thyme Inc, dba N E Thyme Cafe, 4257 Nicollet Av, for a Sidewalk Cafe License (new sidewalk cafe expansion) to expire April 1, 2003, now recommends that said license be granted, subject to submission of Sidewalk Café insurance on the required form, final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 12; Nays none.  
Declining to Vote - Benson.  
Passed June 21, 2002.  
Approved June 21, 2002. P. Ostrow, Acting Mayor.  
Attest: M. Keefe, City Clerk.  
(Published June 25, 2002)

**PS&RS** - Your Committee recommends granting the following applications for liquor, wine and beer licenses:

**Off-Sale Liquor, to expire July 1, 2003**

KJM Enterprises Inc, dba Lowry Hill Liquors, 1922 Hennepin Av, 1st floor;  
E & M Franklin Nicollet, dba Franklin Nicollet Liquor Store, 2012 Nicollet Av, 1st floor;  
Jose & Luke Inc, dba Hi-Lake Liquors, 2218 E Lake St #B;

**Off-Sale Liquor, to expire October 1, 2002**

Hilton Hotels Corporation, dba Minneapolis Hilton, 1001 Marquette Av;

**On-Sale Liquor Class A with Sunday Sales, to expire June 30, 2002**

AMPA Inc, dba Y'All Come Back Saloon, 830 Hennepin Av (temporary expansion of premises with outdoor entertainment, June 30, 2002, 5:00 p.m. to 10:00 p.m., for Gay Pride Block Party);

**On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2003**

422 Hennepin Inc, dba Brass Rail, 422 Hennepin Av;

**On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2003**

Banana Joe's of Minnesota Inc, dba Banana Joe's, 15 S 5th St (new manager);

**On-Sale Liquor Class A with Sunday Sales, to expire July 1, 2003**

Guthrie Theater Foundation, dba Guthrie Theater Foundation, 725 Vineland Pl;

**On-Sale Liquor Class A with Sunday Sales, to expire June 7, 2002**

International Catering Inc, dba International Catering, 275 Market St (temporary expansion of premises, June 7, 2002, 6:00 p.m. to 1:00 a.m., First Friday);

**On-Sale Liquor Class A with Sunday Sales, to expire June 11, 2002**

International Catering Inc, dba International Catering, 275 Market St (temporary expansion of premises, June 11, 2002, 6:30 p.m. to 10:00 p.m., NARI);

**On-Sale Liquor Class A with Sunday Sales, to expire June 15, 2002**

International Catering Inc, dba International Catering, 275 Market St (temporary expansion of premises, June 15, 2002, 4:00 p.m. to Midnight, Patricia Lacy Wedding);

**On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2002**

Hilton Hotels Corporation, dba Minneapolis Hilton, 1001 Marquette Av;  
Western Host Inc, dba Four Points Hotel Minneapolis, 1330 Industrial Blvd;

**On-Sale Liquor Class B with Sunday Sales, to expire May 26, 2002**

JWM Investments Inc, dba Mayslack's, 1428 4th St NE (temporary expansion of premises with outdoor entertainment, May 24 to 26, 2002, 2:00 p.m. to 10:00 p.m.);

**On-Sale Liquor Class B with Sunday Sales, to expire July 28, 2002**

Caboose Enterprise, dba Caboose, 913 Cedar Av (temporary expansion of premises, July 28, 2002, Noon to 10:00 p.m. for Hog Feed);

**On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2003**

Katabay's Corporation, dba Blue Nile Restaurant, 2027 E Franklin Av (regular expansion of premises);

**On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2003**

Sam Ventures Inc, dba Imperial Room, 417 1st Av N #100;  
Brothers of Minneapolis Inc, dba Brothers, 430 1st Av N Suite 100;  
5-J LLC, dba Daddy Rocks, 315 1st Av N;

**On-Sale Liquor Class B with Sunday Sales, to expire June 9, 2002**

Boutique Bars Inc, dba Urban Wildlife Bar & Grill, 331 2nd Av N (temporary expansion of premises with outdoor entertainment, June 9, 2002, 2:00 p.m. to 10:00 p.m.);

**On-Sale Liquor Class B with Sunday Sales, to expire June 16, 2002**

Tay-Mac Inc, dba Whiskey Junction, 901 Cedar Av (temporary expansion of premises, June 16, 2002, Noon to 10:00 p.m. for Swap Meet);

**On-Sale Liquor Class B with Sunday Sales, to expire August 18, 2002**

Tay-Mac Inc, dba Whiskey Junction, 901 Cedar Av (temporary expansion of premises with outdoor entertainment, August 18, 2002, Noon to 10:00 p.m. for CedarFest);

**On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2002**

German Restaurants Inc, dba Gasthof Zur Gemutlichkeit, 2300 University Av NE (temporary expansion of premises with outdoor entertainment, June 14 & 15, 2002, 5:00 p.m. to 11:00 p.m. for Sommerfest Festival);

**On-Sale Liquor Class C-1 with Sunday Sales, to expire July 1, 2003**

Loring Pasta Bar LLC, dba Loring Pasta Bar, 325 14th Av SE;

Little Wagon Co Inc, dba Little Wagon, 418 S 4th St;

**On-Sale Liquor Class C-2 with Sunday Sales, to expire July 1, 2002**

13th Avenue SE LLC, dba Bobby Z's, 418 13th Av SE (change in ownership from Borealis Caffee Inc, On-Sale Wine Class C-1 with Strong Beer);

**On-Sale Liquor Class C-2 with Sunday Sales, to expire October 1, 2002**

J D Hoyt's Inc, dba J D Hoyt's, 301 Washington Av N (sidewalk cafe expansion of premises);

**On-Sale Liquor Class D with Sunday Sales, to expire July 1, 2003**

La Toscana LLC, dba La Toscana Ristorante, 3220 W Lake St;

**On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2003**

Preston's of Mpls Inc, dba Sgt Preston's, 221 Cedar Av;

Woman's Club of Mpls, dba Woman's Club of Mpls, 410 Oak Grove St;

Cuzzy's Inc, dba Cuzzy's Grill & Bar, 507 Washington Av N;

Capital Grille Holdings Inc, dba Capital Grille, 801 Hennepin Av;

**On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2002**

McCormick & Schmick Restaurant Corp, dba McCormick & Schmick's Seafood, 800 Nicollet Mall (June 5, 2002, 4:00 p.m. to 7:00 p.m.);

**Temporary On-Sale Liquor**

St. Paul Jaycees, dba St. Paul Jaycees, 3001 Hennepin Av (May 31, 2002 with outdoor entertainment, 5:30 p.m. to 9:30 p.m. at 3001 Hennepin Av S behind Calhoun Square on Girard Av; Licensed Facilitator: Famous Daves);

50th & France Association, dba 36th Annual Edina Art Fair, 3925 W 50th St B100 (June 7, 2002, 10:00 a.m. to 8:00 p.m.; June 8, 2002, 10:00 a.m. to 7:00 p.m.; June 9, 2002, Noon to 5:00 p.m.; Licensed Facilitator: The Local);

GLBT Pride/Twin Cities, dba GLBT Pride/Twin Cities, 205 W 15th St #37 (Block Party with entertainment June 28, 2002 at Ritz Parking Lot; Licensed Facilitator: Gay 90's);

Basilica of St. Mary, dba Basilica Block Party, 88 17th St N (July 12 & 13, 2002 with entertainment, 5:00 p.m. to 10:30 p.m.; Licensed Facilitator: Murray's);

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2003**

Never Enough Thyme Inc, dba N E Thyme Cafe, 4257 Nicollet Av (sidewalk cafe expansion of premises);

Ras Brothers Corporation, dba Lake Street Garage, 3508 E Lake St);

**Temporary On-Sale Wine**

Friends of the Minneapolis Mounted Patrol, dba Friends of the Minneapolis Mounted Patrol (Tunes at Noon and Alive After 5 June 3, 4, 5 & 6, 2002 with entertainment, 11:00 a.m. to 2:00 p.m. and 5:00 p.m. to 9:00 p.m. on Peavey Plaza, 11th St & Nicollet Mall);

Minneapolis Downtown Council, dba Minneapolis Downtown Council, 81 S 9th St #260 (Tunes at Noon and Alive After 5 June 7, 2002 with entertainment, 11:00 a.m. to 2:00 p.m. and 5:00 p.m. to 9:00 p.m. on Peavey Plaza; Licensed Facilitator: The Local);

Minneapolis Downtown Council, dba Minneapolis Downtown Council, 81 S 9th St #260 (Tunes at Noon and Alive After 5 June 10, 11, 12 & 13, 2002 with entertainment, 11:00 a.m. to 2:00 p.m. and 5:00 p.m. to 9:00 p.m. on Peavey Plaza; Licensed Facilitator: The Local);

Friends of the Minneapolis Mounted Patrol, dba Friends of the Minneapolis Mounted Patrol, 81 S 9th St #260 (Tunes at Noon and Alive After 5 with entertainment June 14, 2002, 11:00 a.m. to 2:00 p.m. and 5:00 p.m. to 9:00 p.m. on Peavey Plaza; Licensed Facilitator: The Local).

Adopted. Yeas, 11; Nays none.

Declining to Vote - Biernat, Benson.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the application of Stephanie Pisarski, dba Dairy Queen, 2328 E Franklin Av, for a Drive In Food License (new business) to expire April 1, 2003, now recommends that said license be granted, subject to the following conditions:

- a. that the drive-in restaurant cannot be opened until Environmental Health Inspectors and/or supervisors issue a written notice that all Environmental Health orders are satisfactorily completed.
  - b. final inspection and compliance with all provisions of applicable codes and ordinances.
- Adopted. Yeas, 13; Nays none.  
Passed June 21, 2002.  
Approved June 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the application of W & F Inc, dba Wafana's Food Market, 2326 Lyndale Av N, for a Grocery and Tobacco Dealer License to expire April 1, 2003, now recommends that a provisional license be granted, subject to the following conditions:

- a. the licensee will create a system for issuing and tracking 90-day No Trespassing Notices, complete with pictures of trespassed people.
- b. the licensee will take back control of the entryway and parking lots by having staff ask loiterers and people causing other problems to leave the property. If the people do not comply, staff will immediately call 911. Staff will cooperate with responding officers and issue 90-day No Trespassing Notices.
- c. the licensee will post copies of the Hawthorne Community Standards on the exterior as well as the interior of the store. If the copies get damaged, they will be immediately replaced.
- d. the licensee will hire security to assist in gaining control of the exterior.
- e. the licensee agrees to chain off the lot after hours to prevent vehicles from using the lot. The chain will be anchored by poles and will have reflective material.
- f. the licensee agrees to move employee parking to the north side of the building and to fence or chain off the west side so that it reduces foot traffic by April 30, 2002.
- g. the licensee will call Officer Judy Perry to schedule a formal security survey to be completed by January 7, 2002.
- h. the licensee agrees to keep all lights properly functioning and to add lights if recommended by Officer Perry.
- i. the licensee agrees to move the parking barriers back into the lot or to some other orderly location.
- j. the licensee agrees to restripe the parking areas so that spaces are clearly marked and traffic is directed to legal parking spaces, not the sidewalk, to be completed as soon as weather permits but not later than April 31, 2002.
- k. the licensee agrees to pick up trash and litter at least twice per day so that the area within 100 feet of the property line is free of litter and debris.
- l. the licensee agrees to steam clean the sidewalks around the business as soon as weather permits but not later than April 30, 2002.
- m. the licensee agrees to keep the windows completely free of signs and materials, and will clean the Lexan to remove glue and other markings by January 31, 2002.
- n. the licensee agrees to remove all old or faded signs from the exterior and keep signs and banners hung straight with all corners fastened.
- o. the licensee agrees to repair the rear camera by January 31, 2002 and keep all cameras in good working order.
- p. the licensee agrees to remove the two phone booth shells and signs on the building by January 31, 2002.
- q. the licensee agrees to have the SAFE team make a presentation to staff on the proper way to call 911 by January 31, 2002. The licensee also agrees to instruct staff to call 911 as soon as they observe a problem.
- r. the licensee will provide License Inspector Angie Hugen with a list of all vendors doing deliveries by January 7, 2002, including their addresses and phone numbers. They will be informed of parking and traffic issues.
- s. the licensee agrees to attend a community meeting on January 3, 2002 at 7:00 p.m. at St. Philips Church.

t. the licensee agrees to meet with the SAFE team and Lt Przynski by the end of each month (January through April) to review progress and make necessary changes to continue to reduce crime issues.

Adopted. Yeas, 12; Nays none.

Declining to Vote - Benson.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the application of Northside Foods, 3559 Lyndale Av N, for a Grocery and Tobacco Dealer License to expire April 1, 2003, now recommends that said license be granted, subject to the following conditions:

a. by June 30, 2002, the floors need upgrading in the customer and storage areas. The walk-in cooler floor should be replaced.

b. by June 30, 2002, the roof should be checked and necessary repairs to the roof and ceiling shall be made.

c. by June 30, 2002, storage rooms need to be finished off as approved storage areas.

d. by June 30, 2002, the cooler in the back area must be removed.

e. by June 30, 2002, unnecessary articles must be removed from the store. Cases of pop can no longer be stored on the floor.

f. the licensee will take control of the entryway and parking lot by having staff ask loiterers and people causing other problems to leave the property. If the people do not comply, staff will immediately call 911.

g. the licensee will call Officer Judy Perry to schedule a formal security survey, to be completed by May 1, 2002.

h. the licensee agrees to keep all lights properly functioning and to add lights if recommended by Officer Perry.

i. the licensee agrees to pick up trash and litter at least twice per day so that the area within 100 feet of the property line is free of litter and debris.

j. the licensee agrees to steam clean the sidewalks around the business as soon as weather permits but not later than May 31, 2002.

k. the licensee agrees to keep the windows completely free of signs and materials.

l. the licensee agrees to remove all old or faded signs from the exterior and to keep signs and banners hung straight with all corners fastened.

Adopted. Yeas, 12; Nays none.

Declining to Vote - Benson.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the following applications for Taxicab Vehicle Licenses to expire February 1, 2003, now recommends that said licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

a. Xpress Taxi Service Inc, dba Yellow #26, 3121 Chowen Av S #151, (person to person transfer from Engidawork Hailu);

b. Xpress Taxi Service Inc, dba Yellow #83, 3121 Chowen Av S #151 (person to person transfer from Engidawork Hailu);

c. Xpress Taxi Service Inc, dba Yellow #84, 3121 Chowen Av S #151 (person to person transfer from Engidawork Hailu);

d. Xpress Taxi Service Inc, dba Yellow #85, 3121 Chowen Av S #151 (person to person transfer from Engidawork Hailu).

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.



Approved June 21, 2002. P. Ostrow, Acting Mayor.  
Attest: M. Keefe, City Clerk.  
(Published June 25, 2002)

**PS&RS** - Your Committee recommends granting the following applications for business licenses, including provisional licenses, as per list on file and of record in the Office of the City Clerk under date of June 21, 2002, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 267999):

Building Contractor Class B; Carnival; Cement Finishing Contractor; Concrete Masonry Contractor Class A; Concrete Masonry Contractor Class B; Dance Hall; Dancing School; Place of Entertainment; Fire Extinguisher Servicing Class B; Flower Cart Vendor; All Night Special Food; Caterers; Confectionery; Food Distributor; Farm Produce Permit Non-Profit; Grocery; Drive In Food; Ice Producer - Dealer/Wholesale; Food Manufacturer; Meat Market; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Sidewalk Cart Food Vendor; Vending Machine; Hotel/Motel; Motor Vehicle Dealer - Used Only; Commercial Parking Lot Class A; Going Out of Business; Peddler - Foot; Peddler - Special Religious; Antique Mall Operator Class B; Pool Table; Solicitor - Individual; Steam & Hot Water Systems Installer; Swimming Pool - Public; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab Vehicle; Tobacco Dealer; Transient Merchant; Valet Parking; and Tree Servicing.

Adopted. Yeas, 12; Nays none.

Declining to Vote - Benson.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee recommends granting the following applications for gambling licenses, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

**Gambling Lawful Exempt**

Minneapolis Electrical JATC, dba Minneapolis Electrical JATC, 2440 Park Av (Raffle July 13, 2002 at Minneapolis Convention Center);

Minneapolis Police Federation Charities Inc, dba Minneapolis Police Federation Charities, 1811 University Av NE (Raffle July 25, 2002);

Church of SS Cyril & Methodius, dba Church of SS Cyril & Methodius, 1315 2nd St NE (Bingo, raffle & pulltabs August 18, 2002);

Park Nicollet Health Services, dba Park Nicollet Health Services, 6500 Excelsior Blvd, St. Louis Park (Raffle September 21, 2002 at Hilton Hotel, 1001 Marquette Av);

Sue Miller - Day of Caring, dba Sue Miller - Day of Caring, 1600 Pierce St, Denver Co (Raffle October 26, 2002 at Millenium Hotel, 1313 Nicollet Mall).

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the Service Company License held by Green & White Taxi, 3315 2nd St N, and having received Findings of Fact, Conclusions and Recommendations arising from a Technical Advisory Committee (TAC) hearing for violating the Minneapolis Code of Ordinances for failure to install an oil and flammable waste separator; failure to contain and properly handle all liquid from their vehicles and for allowing these liquids to enter the sewer system; for an employee of Green & White interfering with inspectors; for operating and maintaining tow trucks for use by the businesses without a license; failure to renew their Motor Vehicle Dealer license; failure to provide adequate off-street parking for the facility or to instruct staff and drivers to use the off-street parking available; failure to supply critical safety equipment on some company cabs; failure to train all taxicab drivers regarding rules of conduct and traffic laws for

commercial passenger vehicles; and failure to restrict all repairs to within their service bays, now recommends adoption of the following recommendations, as more fully set forth in said Findings, on file in the Office of the City Clerk and made a part of this report by reference:

a. that an oil and flammable waste separator be properly installed and any interior or exterior contamination be promptly and properly removed within one month of signing the TAC agreement.

b. that secondary containment be used for any storage of parts outside within one month of signing the TAC agreement.

c. the licensee shall be assessed a \$5,000 fine, of which \$3,000 will be stayed for a period of one year, provided there are no same or similar offenses. The remaining \$2,000 amount is due upon signing of the TAC agreement. If any further environmental violations occur, the stayed portion of the fine will be immediately due.

d. the licensee will maintain the exterior of the property by promptly cutting grass and weeds, shoveling snow and removing all trash and debris year round.

e. the licensee is committed to continuously comply with all licensing, environmental management, housing and fire ordinances and will abate all written orders by their due dates.

f. that the company implement a written policy identifying who is in charge of the facility during all hours of operation and stating the procedures to be followed to promptly allow city inspectors onto the facility. The licensee will provide the Licenses Department with a written statement confirming that all staff have been informed of these policies within one month of signing the TAC agreement.

g. that the company shall restrict their repairs to only their cabs and other fleet vehicles and all repairs shall occur inside the service bay area.

h. the licensee will apply for a Motor Vehicle Servicing Class D License. Fees for 2000, 2001 and 2002 will be collected within one month of signing the TAC agreement.

i. if the licensee decides to run a limousine service, they will get a license from the State of Minnesota.

j. the licensee will apply for a Used Motor Vehicle Dealer License. Fees for 2000, 2001 and 2002 will be collected within one month of the signing of the TAC agreement.

k. the licensee will provide the Licenses Department with a written list of all companies associated with the service company and will clarify the role each company plays in the overall business within one month of signing the TAC agreement.

l. the licensee will provide the Licenses Department with a list of all taxicabs, their shifts, and the designated site they are to report to each day as well as a list of all employees and their designated shift for the 3315 2nd St N location within one month of signing the TAC agreement. The licensee will then provide off-street parking spaces as such: one space for each two employees and one space for each taxicab based on the busiest shift.

m. the licensee will notify all employees and cab drivers that there is no parking on 2nd Street and that they are required to use the off-street parking provided by the company.

n. within one month of signing the TAC agreement, the licensee will check each cab and confirm that each has a working fire extinguisher and reflective triangles. Each of these will be marked as "G&W cab number" with permanent marker. The licensee agrees to make the Minneapolis Cab Inspections a function of the shop with Darren Coller the responsible staff member.

o. the licensee will issue their cab drivers written notice of Minneapolis Code of Ordinances Section 478.240 which states that commercial passenger vehicles are not allowed to be parked on residential streets.

p. within 60 days of signing the TAC agreement, the licensee will abate the Zoning Code violations present at the site and will provide a complete site plan application with scale drawings to the Zoning Office.

q. the licensee will provide the Licenses Department with a current copy of workers' compensation insurance for all employees.

r. the licensee shall be assessed a fine based on license violations of \$1,000 of which \$500 will be stayed for a period of one year from the date of the TAC agreement, provided there are no same or similar violations. The remaining amount of \$500 is due upon the signing of the TAC agreement.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the Motor Vehicle Used Car Dealer License held by Dalsan Auto Dealer, 2509 Bloomington Av S, and having received Findings of Fact, Conclusions and Recommendations arising from a Technical Advisory Committee (TAC) hearing for violating the Minneapolis Code of Ordinances for operating without a license from November 20, 2000 to the time of their license application on November 7, 2001; for allowing a nuisance condition by having junk, auto parts, oil cans, antifreeze containers and barrels strewn over the business property; for improperly storing regulated materials; for allowing a drainage or seepage of chemicals into the City's storm drains; and for failure to obtain a sign permit from the Zoning Office, now recommends adoption of the following recommendations, as more fully set forth in said Findings, on file in the Office of the City Clerk and made a part of this report by reference:

a. that the licensee shall be assessed an administrative fine in the amount of \$4,000, of which \$2,500 shall be stayed pending no same or similar violations occur within a one-year period. The remaining \$1,500 amount shall be payable in installment payments of \$125 per month, due beginning June 10, 2002. If the license is not approved by the City Council, the fine will be refunded. Failure to pay the administrative fine by December 30, 2002 shall be cause for revocation of the business license. The License Department agrees to forego criminal prosecution of the above stated violations upon signing of the TAC agreement.

b. the licensee shall obtain the required sign permit by May 15, 2002.

c. no outside storage of barrels, debris, junk or auto parts shall be allowed. All debris shall be stored in a dumpster.

d. the licensee must renew the business license in a timely manner by the 10th of July each year. Late fees and tags shall be issued if the license is not timely renewed.

e. repair of vehicles on the business property is prohibited.

f. the licensee understands they cannot detail vehicles on the business property without using proper containment of any chemical runoff.

g. the licensee understands that the property must be maintained, including the landscaped areas in front of the business property. A violation of this recommendation would be subject to administrative adjudication or citation.

h. the licensee understands that all trash, litter and debris must be cleaned within 100 feet of the business property. A violation of this recommendation would be subject to administrative adjudication or citation.

i. the licensee agrees to comply with all written orders by City inspectors within the time specified on the order, but may request an extension of the deadline by contacting the involved inspector.

j. The License Department agrees to recommend approval of the Motor Vehicle Dealers License following approval of this agreement by the City Council and Mayor. The City will not seek criminal prosecution, negative license action or fines other than designated in this agreement against the licensee for the issues that occurred prior to February 2002.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the On-Sale Liquor Class B with Sunday Sales License held by Katabay Corporation, dba The Blue Nile, 2027 E Franklin Av, and having received Findings of Fact, Conclusions and Recommendations arising from a Technical Advisory Committee (TAC) hearing for disobeying lawful orders issued by Minneapolis Plumbing Inspectors and failure to abate those orders; and for violating the Food Code and failure to implement corrective policies as instructed by the Minneapolis Environmental Health Division, now recommends adoption of the following recommendations, as more fully set forth in said Findings, on file in the Office of the City Clerk and made a part of this report by reference:

a. that the licensee pay an administrative fine in the amount of \$4,000, with \$2,000 being due upon signing of the TAC agreement. Imposition of the remaining \$2,000 is stayed provided that for a period of one year the licensee has no more than three critical health related violations found during any one inspection that is performed by the Environmental Health Division.

b. that all outstanding Environmental Health orders be remedied within 10 days of signing of the TAC agreement.

c. that the licensee shall cause two additional employees of the business to register and complete a Food Manager's Certification course within 30 days of signing the TAC agreement.

d. that the licensee shall schedule and ensure that all employees involved in the preparation and service of food attend a Food Handler's Class and to promptly pay for same no later than ten days after signing the TAC agreement.

e. that the licensee shall schedule an inspection of the licensed premises by the Minneapolis Fire Prevention Bureau no later than 10 days after signing the TAC agreement.

f. that the licensee shall have all heating, ventilating, air conditioning and plumbing violations written against the business abated with ten days after signing the TAC agreement, and shall have all work performed by contractors licensed by the City of Minneapolis whom have obtained the proper permits to perform the work.

g. that the establishment will be inspected a total of four times during the one year period following the date of the signing of the TAC agreement at a cost to the licensee of \$100 per hour, which fee shall be paid in full no later than 10 days after the licensee has been billed for such services.

h. that an administrative fine of \$100 shall be levied on the licensee for any critical violation of the Food and Beverage Code found during Environmental Health inspections.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 18, Chapter 490 of the Minneapolis Code of Ordinances relating to *Traffic Code: Bicycles*, repealing the requirements that bicycles be registered in the City of Minneapolis, and that bicycles found without a license identification tag may be impounded by the police, now recommends that said ordinance be given its second reading for amendment and passage with summary publication.

Adopted. Yeas, 11; Nays, 2 as follows:

Yeas - Biernat, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Ostrow.

Nays - Johnson, Colvin Roy.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-052 amending Title 18, repealing Sections 490.10 and 490.20 relating to bicycle registration required in the City, and amending Section 490.60 relating to the impounding of bicycles without a license identification tag, was passed June 21, 2002 by the City Council and approved June 27, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2002-Or-052**

**By Niziolek, Zimmermann, Zerby, Schiff, Johnson Lee**

**Intro & 1st Reading: 4/19/2002**

**Ref to: PS&RS**

**2nd Reading: 6/21/2002**

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**Amending Title 18, Chapter 490 of the Minneapolis Code of Ordinances relating to Traffic Code: Bicycles.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 490.10 of the above-entitled ordinance be and is hereby repealed.

**490.10. Registration required.** ~~(a) No person shall ride, use or leave a bicycle upon any public street, alley, highway, sidewalk or other public property in the city unless the same was registered on March 1, 1977, as required in this article or pursuant to Minnesota Statutes, Chapter 160C [168C].~~

~~(b) The registration device shall be securely attached to the bicycle in a conspicuous location.~~

Section 2. That Section 490.20 of the above-entitled ordinance be and is hereby repealed.

**490.20. Exceptions.** ~~Bicycles owned by nonresidents of the State of Minnesota and operated in Minneapolis for a period of thirty (30) consecutive days or less are exempt from registration. Registration provisions do not apply to bicycle manufacturers or bicycle dealers transporting bicycles in the normal course of business.~~

Section 3. That Section 490.60 (a) of the above-entitled ordinance be amended to read as follows:

**490.60. Impounding authorized.** (a) Any bicycle found unattended in any street, alley, highway, sidewalk or other public property ~~without a license identification tag, or with a mutilated frame number or license identification tag,~~ or any bicycle improperly attached, may be immediately removed and impounded by any officer or duly authorized employee of the department under procedures promulgated by the department. The bicycle may be surrendered upon proof of ownership.

Adopted. Yeas, 11; Nays, 2 as follows:

Yeas - Biernat, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Ostrow.

Nays - Johnson, Colvin Roy.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the Mayor's nomination and approval by the Executive Committee of the reappointment of Rocco Forté to serve as the Fire Chief for a term to expire January 2, 2004, and having held a public hearing thereon, now recommends approval of said reappointment.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, to whom was referred back on March 1, 2002 a report relating to reappointments to the Rental Dwelling License Board of Appeals, now recommends concurrence with the recommendation of the City Council to reappoint the following persons to serve on said Board of Appeals for two-year terms to expire December 31, 2003:

Paul Kjornes, 4509 Nicollet Av S (Ward 8), rental property owner/manager;

Steven Schactman, 2121 Austrian Pine Ln, Minnetonka, rental property owner/manager;

Clinton Blaiser, 1926 Stryker, W St. Paul, real estate manager;

Daisy Barton, 8133 Idaho Av N, Brooklyn Park, as a tenant/residential rental housing advocate;

Fathia Warsame, 7318 Bass Lk Rd, New Hope, as a tenant/residential rental housing advocate;

Wayne Jensen, 2717 13th Av S (Ward 6), representing members of the general public; and

Brian Bushay, 1715 Emerson Av N (Ward 5), representing members of the general public.

Your Committee further recommends that the residency requirement be waived, pursuant to Section 14.180(m)(3) of the Minneapolis Code of Ordinances, which allows a waiver for persons providing a unique and special benefit to the City.

Adopted. Yeas, 12; Nays, none.  
Declining to Vote - Johnson Lee.  
Passed June 21, 2002.  
Approved June 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the property located at 3407 Lyndale Av N which has been determined by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to raze said property legally known as Lot 14, Block 2, Hilltop Addition to Minneapolis (PID #09-029-24-11-0152), in accordance with the Findings of Fact, Conclusions & Recommendation on file in the Office of the City Clerk and made a part of this report by reference.

Adopted. Yeas, 13; Nays none.  
Passed June 21, 2002.  
Approved June 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the property located at 326 E 34th St which has been determined by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the owners be authorized to rehabilitate the property, in accordance with the Findings of Fact, Conclusions and Recommendation on file in the Office of the City Clerk and made a part of this report by reference.

Adopted. Yeas, 13; Nays none.  
Passed June 21, 2002.  
Approved June 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to submit a grant application to Hennepin County for an Environmental Response Fund Grant seeking \$14,000 for cleanup of lead contamination at 2222 Emerson Av N.

Adopted. Yeas, 13; Nays none.  
Passed June 21, 2002.  
Approved June 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to submit a grant application to Hennepin County for an Environmental Response Fund Grant seeking \$18,350 for cleanup of lead contamination at 4219 2nd Av S.

Adopted. Yeas, 13; Nays none.  
Passed June 21, 2002.  
Approved June 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** - Your Committee recommends acceptance of low bid received on OP #5862 (Petr No 268004) submitted by Professional Parking Solutions, in the amount of \$204,441.90, to furnish, deliver to Traffic Control and install handheld ticketwriters, hardware, software and database development, including maintenance for three years through June 30, 2005, all in accordance with City specifications.

Your Committee further recommends that the proper City Officers be authorized to execute a contract for said service.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to execute a Grant Agreement, in the amount of \$162,000, with the State of Minnesota Department of Public Safety, Division of Emergency Management, for the purchase of a Mass Casualty Decon Unit with equipment for the Fire Department Emergency Preparedness Division to enhance the jurisdictional capabilities to respond to acts of terrorism involving chemical and biological agents as well as radiological, nuclear and explosive devices. Said agreement designates Richard Turner, Director of the Fire Department Emergency Preparedness Division, as the authorized representative to execute the grant agreement.

Your Committee further recommends passage of the accompanying Resolution appropriating \$162,000 to the Fire Department Agency to implement said grant agreement.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

#### **RESOLUTION 2002R-218**

**By Biernat and Johnson**

#### **Amending The 2002 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Other Fund (0300-280-2880) by \$162,000 and increasing the Revenue Source (0300-280-2880 - Source 3210) by \$162,000.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Republished July 10, 2002)

**PS&RS & W&M/Budget** - Your Committee, having under consideration the Automated Pawn System (APS), now recommends that the proper City Officers of the Police Department be authorized to negotiate and implement a housing and support services agreement with the State of Minnesota Department of Administration, in an amount not to exceed \$90,000, for continued housing, maintenance and support of the APS hardware and network management during the period July 1, 2002 through June 30, 2003.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **RULES** Committee submitted the following reports:

**Rules** - Your Committee, having under consideration Rule 1B under the heading "Meetings" and Rule 4 "Committee of the Whole" now recommends approval of amendments, as follows:

#### **RULE 1. MEETINGS**

B. Except as modified by a yearly calendar schedule adopted by the city council at its organizational meeting, regular committee of the whole meetings shall be held at 10:00 a.m. on the

second and fourth Thursdays of each month and regular council meetings shall be held at 9:30 a.m. on the second and fourth Fridays of each month. A meeting for transacting business relating to the organization of the city council shall be held at 9:30 a.m. on the first business day in January of each even-numbered year. The president (and in the president's absence the vice-president) of the council shall take the chair at the appointed hour for the council to meet, whether in regular or special session, and call the members to order, at which time the roll of members of the council shall be called by the clerk. ~~The Council Vice-President shall chair the regular committee of the whole meetings.~~

**RULE 4. COMMITTEE OF THE WHOLE**

A. ~~Except for the committee of the whole meetings convened pursuant to Rule 1, on forming a committee of the whole, the president shall leave the chair and call the vice-president or some other member to preside. The council vice-president shall chair committee of the whole meetings.~~

B. The rules of the council shall be observed in the committee of the whole so far as they may be applicable, except that the previous question shall not be enforced, nor the number or length of speeches be limited, nor any motion made except to adopt, amend, report or to rise.

C. Except for those matters for which a public hearing has been held, the committee chair may permit members of the public to speak at the committee of the whole meetings. After consultation with the Council leadership, special events and presentations may be scheduled at the discretion of the council vice-president.

D. The Clerk shall enter upon the journal the proceedings of the committee of the whole including all votes on questions as provided in Rule 2.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Rules** - Your Committee recommends that Rule 14 entitled "Debate" be amended by adding Paragraph D, as follows:

**RULE 14. DEBATE.**

"D. If a motion to close debate and bring one or more pending questions to an immediate vote is made and seconded and if the president or, in the absence of the president, the presiding officer, has not spoken to the pending question(s), the president or, in the absence of the president, the presiding officer may speak once before the vote is taken on the motion to close debate."

Adopted. Yeas, 8; Nays, 5 as follows:

Yeas - Biernat, Zimmermann, Zerby, Niziolek, Benson, Goodman, Lane, Ostrow.

Nays - Johnson, Colvin Roy, Schiff, Lilligren, Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

**T&PW** - Your Committee, having under consideration an appeal filed by Grant Construction and Bejco Development Corporation of the decision of the Public Works Engineering Services Division denying an encroachment permit request that would allow a wood handicap ramp and deck with steps for entry into a temporary trailer at 360 1st St N, now recommends that said appeal be denied.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** - Your Committee having under consideration Fulton St SE Renovation Project (Fulton St SE from Oak St SE to Huron Blvd), now recommends passage and summary publication of the accompanying Resolution designating the locations and streets to be improved in the Fulton St SE



Street Renovation Project, Special Improvement of Existing Street No. 2954 and in the Intersection Redesign on Huron Blvd at Fulton St SE, Special Improvement of Existing Street No. 6680.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-219 designating the locations and streets to be improved in the Fulton St SE Street Renovation Project was passed June 21, 2002 by the City Council and approved June 27, 2002, by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2002R-219**

**By Colvin Roy**

**FULTON STREET SE STREET RENOVATION PROJECT  
SPECIAL IMPROVEMENT OF EXISTING STREET NO 2954**

**INTERSECTION REDESIGN ON HURON BLVD AT FULTON ST SE  
SPECIAL IMPROVEMENT OF EXISTING STREET NO 6680**

**Designating the improvement of certain existing streets at the locations described hereinafter.**

Resolved by The City Council of The City of Minneapolis:

That the following existing streets in the Fulton St SE Street Renovation Project, within the City of Minneapolis, are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, by mill and overlay of street surface with plant mix asphalt and selected curb and gutter and other paving related improvements as needed:

Fulton Street SE Street Renovation (2954)

Fulton Street SE from Oak Street to Huron Blvd.

That the following existing street in the Intersection Redesign on Huron Blvd at Fulton St SE Project, within the City of Minneapolis, are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 6 of the Minneapolis City Charter, with plant mix asphalt, all on a stabilized base and selected curb and gutter and other paving related improvements as needed: Intersection Redesign on Huron Blvd (6680)

Huron Blvd, approximately 154 feet north of the centerline of Fulton Street SE and approximately 287 feet south of the centerline of Fulton Street SE.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having received a cost estimate of \$258,100 for street renovation improvements and a list of benefited properties for certain locations in the Fulton St SE Street Renovation Project, Special Improvement of Existing Street No. 2954 and a cost estimate of \$115,200 for intersection redesign and related street renovation improvements and a list of benefited properties for certain locations in the Intersection Redesign on Huron Blvd at Fulton St SE Renovation Project, Special Improvement of Existing Street No. 6680, as designated by Resolution 2002R-219, passed June 21, 2002, now recommends that the City Engineer be directed to prepare

a proposed Street Renovation Special Improvement Assessment and a proposed Street Construction Special Improvement Assessment against the list of benefited properties by applying the 2002 Uniform Assessment Rates as per Resolution 2001R-399, passed September 14, 2001.

Your Committee further recommends that the City Clerk be directed to give notice of a public hearing to be held by the Transportation and Public Works Committee on July 18, 2002 in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the construction of the above designated renovation locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** - Your Committee, having under consideration improvements at the Water Works, Fridley Softening Plant, now recommends that the proper City officers be authorized to execute an amendment to Contract #C98-12677 with Michaud Cooley Erickson Consulting Engineers, extending the contract to provide for completion of the HVAC installation increasing the contract amount by \$10,000 to a total of \$71,400 to provide for installation contingencies. The contact increase is payable from the existing budget (7400-950-9515).

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** - Your Committee, having under consideration the Council Chamber Audio Visual System Project, now recommends that the proper City officers be authorized to execute Change Order #3 to Contract #C-17193 with Alpha Video, Inc. for lens adaptations in the amount of \$2,639.50 for a new total of \$402,526.50.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** - Your Committee, having under consideration the flood mitigation basin project at E 43rd St and Park Av S, now recommends that the proper City officers be authorized to amend Contract #015823 with Bonestroo, Rosene, Anderlik and Associates, Inc. by extending the contract to December 31, 2002 to allow for finalization of the project. No additional compensation is required.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**T&PW & W&M/Budget** - Your Committee, having under consideration the 35th St (Dupont Av S to Bloomington Av S) and 36th St (Dupont Av S to Chicago Av) Street Renovation Projects, now recommends passage and summary publication of the accompanying Resolutions:

a) Ordering the project to proceed and adopting the special assessments for the 35th St Renovation Project (Special Improvement of Existing Street No. 2960) and the 36th St Renovation Project (Special Improvement of Existing Street No. 2961);

b) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$212,860 for the 35th St Renovation Project;

c) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$184,080 for the 36th St Renovation Project.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 21, 2002. P. Ostrow, Acting Mayor.

Attest: M. Keefe, City Clerk.

(Published June 25, 2002)

Resolution 2002R-220 ordering the project to proceed and adopting special assessments in the total amount of \$212,856.90 for the 35th St Project and \$184,073.75 for the 36th St Project, was passed June 21, 2002 by the City Council and approved June 21, 2002, by the Acting Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is a complete text of the unpublished summarized resolution.

**RESOLUTION 2002R-220**  
**By Colvin Roy and Johnson**

**35<sup>TH</sup> STREET RENOVATION PROJECT**  
**SPECIAL IMPROVEMENT OF EXISTING STREET NO 2960**

**36<sup>TH</sup> STREET RENOVATION PROJECT**  
**SPECIAL IMPROVEMENT OF EXISTING STREET NO 2961**

**Ordering the work to proceed and adopting the special assessments for the 35<sup>th</sup> Street Renovation Project and the 36<sup>th</sup> Street Renovation Project.**

Whereas, a public hearing was held on June 13, 2002 in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2002R-156, passed May 3, 2002 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2002R-156, passed May 3, 2002.

Be It Further Resolved that the proposed special assessments in the total amount of \$212,856.90 for the 35<sup>th</sup> Street Renovation Project and \$184,073.75 for the 36<sup>th</sup> Street Renovation Project, as on file in the office of the City Clerk be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at ten (10) and that the interest charged at the same rate as the assessment bonds are sold for with collection of the special assessments to begin on the 2003 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments on the 2003 real estate tax statements.

Adopted. Yeas, 12; Nays none.  
Absent - Johnson Lee.  
Passed June 21, 2002.  
Approved June 21, 2002. P. Ostrow, Acting Mayor.  
Attest: M. Keefe, City Clerk.

Resolutions 2002R-221 and 2002R-222, requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$212,860 for the 35th St Renovation Project and in the amount of \$184,080 for the 36th St Renovation Project was passed June 21, 2002 by the City Council and approved June 21, 2002, by the Acting Mayor. A complete copy of these resolutions are available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2002R-221**  
**By Colvin Roy and Johnson**

**Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$212,860 for certain purposes other than the purchase of public utilities.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the 35<sup>th</sup> Street Renovation Project, Special Improvement of Existing Street No. 2960, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in ten (10) successive annual installments, payable in the same manner as real estate taxes.

Adopted. Yeas, 12; Nays none.  
Absent - Johnson Lee.  
Passed June 21, 2002.  
Approved June 21, 2002. P. Ostrow, Acting Mayor.  
Attest: M. Keefe, City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2002R-222**  
**By Colvin Roy and Johnson**

**Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$184,080 for certain purposes other than the purchase of public utilities.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the 36<sup>th</sup> Street Renovation Project, Special Improvement of Existing Street No. 2961, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in ten (10) successive annual installments, payable in the same manner as real estate taxes.

Adopted. Yeas, 12; Nays none.  
Absent - Johnson Lee.  
Passed June 21, 2002.

Approved June 21, 2002. P. Ostrow, Acting Mayor.  
Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Lake St Reconstruction Project between Lyndale Av S. and W River Parkway and plans to include streetscape improvements in the reconstruction project, now recommends:

1. That the proper City officers be authorized to execute a Cost Participation Agreement with Hennepin County for professional engineering, professional management and public affairs services for the Lake St streetscape improvement projects (County Agreement No. PW 51-20-01), pending satisfactory review of the contract by the City Attorney's Office; and

2. That the City's share of costs shall not exceed \$550,000 and shall be paid over two years, with the first payment in the amount of \$300,000 to be made with 2002 budgeted funds (4100-937-9372) and the remaining payment to be considered as part of the 2003 budget (as outlined in Petn No 268008).

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** - Your Committee, having under consideration plans for the redesign of the intersection of Huron Boulevard and Fulton St SE and having been informed that the project is being moved ahead in the Capital Improvement Program to coincide with the Fulton St SE Street Renovation Project, now recommends passage of the accompanying resolution redesignating capital funds to allow the Huron Boulevard Redesign Project to proceed.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-223**  
**By Colvin Roy and Johnson**

**Amending the 2002 Capital Improvement Appropriation Resolution**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by decreasing the following capital project appropriation in the Permanent Improvement Projects Fund (4100):

<b>Fund</b>	<b>Agency</b>	<b>Org</b>	<b>ProjectDescription</b>	<b>Appropriation Amount</b>
4100	932	9322	Hiawatha/Minnehaha Railroad Project	\$13,000
4100	937	9372	Hiawatha/Minnehaha Railroad Project	\$18,000
<b>Total Fund 4100 Project Appropriation Closeouts</b>				<b>\$31,000</b>

Be It Further Resolved that the proposed 2002 project balances above be redesignated to the following projects as indicated:

<b>From Fund</b>	<b>Agency</b>	<b>Org</b>	<b>From Project</b>	<b>Amount</b>	<b>To Fund</b>	<b>Agency</b>	<b>Org</b>	<b>Project Description</b>	<b>Amount</b>
4100	932	9322	Hiawatha/Minnehaha Railroad Project	\$13,000	4100	937	9372	Huron Blvd at Fulton St SE, Intersection Reconstruction	\$29,000
4100	937	9372	Hiawatha/Minnehaha Railroad Project	\$16,000	4100	943	9440	Huron Blvd at Fulton St SE, Intersection Reconstruction	\$2,000

	2002 Subtotal Fund 4100 Project	\$29,000
	Appropriation Redesignations	
4100	937      9372      Hiawatha/Minnehaha Railroad Project	\$2,000
	2002 Subtotal Fund 4100 Project	\$2,000
	<b>2002 Total Fund 4100 Project</b>	<b>\$31,000</b>

**\$31,000**

**Appropriation Redesignations**

Be It Further Resolved that the Board of Estimate & Taxation be requested to concur with the above bond reallocations.

Be It Further Resolved that the following project appropriations be created and increased by the amount indicated and funding sources identified:

Fund	Agency	Org	Project Description	Appropriation Amount	Funding Source
4100	937	9372	Huron Blvd at Fulton St SE, Intersection Reconstruction	\$29,000	Redesignated Bonds above
4100	943	9440	Huron Blvd at Fulton St SE, Intersection Reconstruction	\$2,000	Redesignated Bonds above
4100	937	9372	Huron Blvd at Fulton St SE, Intersection Reconstruction	\$57,000	Municipal State Aid
4100	943	9440	Huron Blvd at Fulton St SE, Intersection Reconstruction	\$36,000	Municipal State Aid
			<b>Total Fund 4100 Project Appropriation Increases</b>	<b>\$124,000</b>	

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** - Your Committee, having been informed that additional tasks and compensation are required for the Water Works 34 million gallon Hilltop Reservoir Project, now recommends that the proper City officers be authorized to execute an amendment to Contract #11931 with Veit and Company, Inc., increasing the contract by \$174,685.45 for a total not to exceed \$5,339,481.21, to provide for the additional work. The contract increase is available with the existing project budget (7400-950-9515)

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 21, 2002. P. Ostrow, Acting Mayor.

Attest: M. Keefe, City Clerk.

(Published June 25, 2002)

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the following bids, all in accordance with City specifications and as further outlined in Petn No 268009:

a) OP#5876, low bid of Spiniello Companies in the amount of \$156,349 for cleaning and lining of a 16" and 24" cast iron water main;

b) OP#5865, low bid of Global Specialty Contractors, Inc in the amount of \$290,100 for W 44th St improvements.

Your Committee further recommends that the proper City officers be authorized to execute contracts as appropriate for said project/services.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 21, 2002. P. Ostrow, Acting Mayor.

Attest: M. Keefe, City Clerk.

(Published June 25, 2002)

**T&PW & W&M/Budget** - Your Committee, having under consideration the Lind-Bohanon Neighborhood Association Gateway Sign (49th Av & Lyndale Av N), now recommends passage and

summary publication of the accompanying Resolution authorizing execution of an agreement with the State of Minnesota relating to receipt of funds for the Lind-Bohanon Neighborhood Gateway Project at the intersection of 49th and Lyndale Av N.

Your Committee further recommends passage of the accompanying resolution increasing the project appropriation to reflect the receipt of said funds.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolutions 2002R-224 Authorizing execution of an agreement with the State of Minnesota relating to receipt of funds for the Lind-Bohanon Neighborhood Gateway Project at the intersection of 49th and Lyndale Av N, was passed June 21, 2002 by the City Council and approved June 27, 2002, by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2002R-224**  
**By Colvin Roy and Johnson**

**Authorizing execution of an agreement with the State of Minnesota relating to receipt of funds for the Lind-Bohanon Neighborhood Gateway Project at the intersection of 49th and Lyndale Av N.**

Whereas, the Lind-Bohanon Neighborhood Association (LBNA) desired to improve the 49th and Lyndale Av N intersection with gateway element consisting of signage and landscaping; and

Whereas, funding sources for the project include Neighborhood Revitalization Program (NRP) funds, the Minneapolis Community Development Agency's (MCDA) Neighborhood Initiative Program, and the Minnesota Department of Transportation's (MnDOT) Community Roadside Landscaping Partnership Program; and

Whereas, the cost of landscaping materials and signage is to be primarily reimbursed through MnDOT's Community Roadside Landscaping Partnership Program and maintenance will be provided by neighborhood volunteers;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to enter into MnDOT Agreement No. 83264 with the State of Minnesota, Department of Transportation for the following purposes to provide for payment by the State to the City of the State's share of the costs of the acquisition of landscape materials to be placed by the City adjacent to Trunk Highway No. 94 in the northwest corner of 49th St N and Lyndale Av N within the corporate City limits under State Project No. 2781-960e (T.H. 94=392).

Be It Further Resolved that the proper City officers be authorized to execute an agreement with the Lind-Bohanon Neighborhood Association regarding installation and maintenance of the signage and adjacent landscaped areas.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-225**  
**By Colvin Roy and Johnson**

**Amending the 2002 Capital Improvement Appropriation Resolution**

Resolved by The City Council of The City of Minneapolis

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the PW - Transportation Capital Agency in the Permanent Improvement Projects Fund (4100-943-9440) by \$1,615 and increasing the revenue source (4100-943-9440 - Source 3215) by \$1,615.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** - Your Committee having under consideration a request of the Prospect Park Neighborhood for installation of Speed Humps at Erie Street SE, Ontario Street SE, and Dartmouth Avenue SE, now recommends that the proper City officers be directed to install speed humps at the following locations:

1. One set of two speed humps on Ontario St SE between Fulton St SE and Dartmouth Av SE;
2. One set of two speed humps on Erie St SE between Fulton St SE and Dartmouth Av SE; and
3. One speed bump on Dartmouth Av SE between Erie St SE and Ontario St SE.

Your Committee further recommends passage of the accompanying resolution increasing the Public Works Transportation Capital appropriation by \$11,250 to fund the speed hump installation project, with the understanding that the entire amount will be reimbursed through the Prospect Park - East River Road Neighborhood Revitalization Program.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-226**  
**By Colvin Roy and Johnson**

**Amending the 2002 Capital Improvement Appropriation Resolution**

Resolved by The City Council of The City of Minneapolis

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the PW-Transportation Capital Agency in the Permanent Improvement Fund (4100-943-9440) by \$11,250 and increasing the revenue source (4100-943-9440 - Source 3845) by \$11,250.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Main Street SE - Commercial Project and having been informed that the City will be responsible for payment of contractor costs but will receive the funds from the Minnesota Department of Transportation (MnDOT), now recommends passage of the accompanying resolution increasing the Public Works Streets and Malls appropriation by \$183,500 for said costs.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.



**RESOLUTION 2002R-227**  
**By Colvin Roy and Johnson**

**Amending the 2002 Capital Improvement Appropriation Resolution**

Resolved by The City Council of The City of Minneapolis

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the PW - Streets & Malls Capital Agency in the Permanent Improvement Projects Fund (4100-937-9372) by \$183,500 and increasing the revenue source (4100-937-9372 - Source 3215) by \$183,500 for the Main St SE Commercial Project.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** - Your Committee, having under consideration the 800 MHz Radio System Project, now recommends passage of the accompanying resolution increasing the appropriation for the project by \$4,000,000 to allow for early purchase of radio units to take advantage of a promotional discount.

Adopted. Yeas, 8; Nays 2 as follows:

Yeas - Johnson, Colvin Roy, Zimmermann, Zerby, Lilligren, Niziolek, Goodman, Lane.

Nays - Benson, Ostrow.

Declining to Vote - Biernat, Schiff.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-228**  
**By Colvin Roy and Johnson**

**Amending The 2002 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW - General Services - Capital Agency in the Lands and Buildings Fund (6200-923-9242) by \$4,000,000 and increasing the revenue source (6200-923-9242 - Source 3910) by \$4,000,000.

Adopted. Yeas, 8; Nays 2 as follows:

Yeas - Johnson, Colvin Roy, Zimmermann, Zerby, Lilligren, Niziolek, Goodman, Lane.

Nays - Benson, Ostrow.

Declining to Vote - Biernat, Schiff.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** - Your Committee, having under consideration a proposed project to improve access to Lake St at Interstate 35W and the need for additional funding for completion of planning and design studies and having been informed that City staff is requesting the following:

a) Authorization to amend the project cost sharing agreement (City/County Contract #0014852) to provide an additional \$60,000 in City funding for the study (pending satisfactory review of the

amendment by the City Attorney); and

b) The contract will be payable from Public Works - Streets and Malls Capital Agency (4100-937-9372);

now recommends that said request be forwarded without recommendation.

Lilligren moved to amend the report to delete "forwarded without recommendation" and insert in lieu thereof the word "approved" and to include the following:

"The City's portion of the funds (\$60,000) are to be directed toward the work of the design efforts on traffic mitigation and community enhancement related to the project." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

**W&M/Budget** - Your Committee, having under consideration the Mayor's nomination and approval by the Executive Committee of the appointment of J. Scott Renne to serve as City Assessor for a term to expire on January 2, 2004, and having held a public hearing thereon, now recommends approval of said appointment.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends concurrence with the recommendation of the City Attorney that the following lawsuits be settled as indicated:

a) Terry Shingledecker and Beverly Shingledecker and attorney Richard Schultz, by payment in the amount of \$30,000 (payable from the Self Insurance Fund, 6900-150-1500-6900);

b) Rekia Johnson and her attorney David Lundgren, by payment of \$5,000 (payable from the Self Insurance Fund, 6900-150-1500-6070);

c) Nuro B Dedefo (Federal District Court File No. 01-418 RHK/JMM), by payment of \$4,000 to Mr. Dedefo (payable from the Self Insurance Fund, 6900-150-1500-4000).

Your Committee further recommends that the proper City officers be authorized to execute any documents necessary to effectuate the settlement and release of said claims.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to enter into a full, final and complete Workers' Compensation claim settlement with Larry Slavin for \$260,000. The settlement is payable from the Self Insurance Fund (6900-145-1451) and the City will receive reimbursement in the amount of \$189,800 upon request to the Special Compensation Fund.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee, having under consideration the Equipment Services Fund and a work out plan that includes issuance of bonds to provide funds for the purchase of fleet equipment, now recommends passage and summary publication of the accompanying resolutions:

a) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$6,100,000 for equipment fleet purchases;

b) Declaring the City's official intent to reimburse equipment purchases made in 2002 with bond proceeds by incurring tax exempt debt, as required by Internal Revenue Service regulations.

Colvin Roy moved to amend the report to include a direction to staff to report back to the Transportation & Public Works Committee on the topic of exploring the purchase of alternative energy vehicles before expansion of the fleet. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolutions 2002R-229 and 2002R-230, requesting the Board of Estimate and Taxation to issue and sell City bonds in the amount of \$6,100,000 for equipment fleet purchases and declaring the City's intent to reimburse equipment purchases made in 2002 with bond proceeds by incurring tax exempt debt, were passed June 21, 2002 by the City Council and approved June 27, 2002 by the Mayor. A complete copy of these resolutions are available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2002R-229**

**By Johnson**

**Requesting the Board of Estimate and Taxation to incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$6,100,000 for certain purposes other than the purchase of public utilities.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$6,100,000, the proceeds of which are to be used for the purchase of fleet equipment as directed by the Equipment Services Workout Plan.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2002R-230**

**By Johnson**

**Declaring the City's intent to reimburse funds for 2002 equipment fleet purchases by incurring tax exempt debt.**

Resolved by The City Council of The City of Minneapolis:

That pursuant to Treasury Regulation SS 1.103-17 and 1.103-18, the City of Minneapolis hereby declares its intent to reimburse up to \$6,100,000 of expenditures in 2002 for equipment fleet

purchases by incurring tax exempt debt of the City. The expenditures to be reimbursed include all costs incurred in purchasing fleet equipment to support various City functions. The reasonably expected source of funds to pay debt service on the tax exempt bonds to be issued consists of equipment rental charges for user fees and other intergovernmental transfers as directed by the Equipment Services Workout Plan.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends approval of the request of the Elections Department for authorization to place an insert in the July 2002 utility bills to inform citizens about redistricting, voting locations and candidate filing information.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends approval of the recommendation of the Director of Human Resources that the position of Director, Equipment Services Division (Grade 14) be reclassified to Superintendent, Equipment Services Division (Grade 13), effective June 1, 2002.

Your Committee further recommends passage and summary publication of the accompanying Salary Ordinance establishing the salary for said position.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-053 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, establishing the salary for the reclassified position of Superintendent, Equipment Services Division, was passed June 21, 2002 by the City Council and approved June 27, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2002-Or-053**

**By Johnson**

**1st & 2nd Readings: 6/17/2002**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

**Appointed Officials (CAP)  
Effective June 1, 2002**

FLSA	OTC	CLASSIFICATION	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B" Years	Step D After 3 "C" Years
E	1	Superintendent, Equipment Services Division	A	\$81,173	\$85,445	\$88,008	\$89,717

Section 2: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

**Appointed Officials (CAP)  
Effective: January 1, 2003**

FLSA	OTC	CLASSIFICATION	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B" Years	Step D After 3 "C" Years
E	1	Superintendent, Equipment Services Division	A	\$83,811	\$88,222	\$90,868	\$92,633

Adopted. Yeas, 12; Nays none.  
Absent - Johnson Lee.  
Passed June 21, 2002.  
Approved June 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends approval of the recommendation of the Director of Human Resources that the position of Assistant Director, Emergency Communications and Technology Bureau be reclassified from Grade 11 to Grade 12, effective January 3, 2002, and that the incumbent to the position, Thomas Donohoe, be reclassified to the position, also effective January 3, 2002.

Your Committee further recommends passage and summary publication of the accompanying Salary Ordinance establishing the salary for said position.

Adopted. Yeas, 13; Nays none.  
Passed June 21, 2002.  
Approved June 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-054 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, establishing the salary for the upgraded position of Assistant Director, Emergency Communications and Technology Bureau, was passed June 21, 2002 by the City Council and approved June 27, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2002-Or-054  
By Johnson  
1st & 2nd Readings: 6/21/2002**

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance

be amended to make the following changes: (Annual Rates)

**Appointed Officials (CAP)**

**Effective January 3, 2002**

FLSA	OTC	CLASSIFICATION	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B" Years	Step D After 3 "C" Years
E	1	Asst Dir, Emer Comm and Technology Bureau	A	\$76,822	\$80,866	\$83,292	\$84,909

Section 2: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

**Appointed Officials (CAP)**

**Effective: January 1, 2003**

FLSA	OTC	CLASSIFICATION	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B" Years	Step D After 3 "C" Years
E	1	Asst Dir, Emer Comm and Technology Bureau	A	\$79,319	\$83,494	\$85,999	\$87,669

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends approval of the recommendation of the Director of Human Resources that the position of Director, Neighborhood Services (Grade 13) be reclassified to Director, Community Initiatives (Grade 12), effective April 18, 2002.

Your Committee further recommends passage and summary publication of the accompanying Salary Ordinance establishing the salary for said position.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-055 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, establishing the salary for the reclassified position of Director, Community Initiatives, was passed June 21, 2002 by the City Council and approved June 27, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2002-Or-055**  
**By Johnson**  
**1st & 2nd Readings: 6/21/2002**

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

**Appointed Officials (CAP)**  
**Effective April 18, 2002**

FLSA	OTC	CLASSIFICATION	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B" Years	Step D After 3 "C" Years
E	1	Director, Community Initiatives	A	\$74,783	\$78,719	\$81,081	\$82,655

Section 2: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

**Appointed Officials (CAP)**  
**Effective: January 1, 2003**

FLSA	OTC	CLASSIFICATION	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B" Years	Step D After 3 "C" Years
E	1	Director, Community Initiatives	A	\$77,214	\$81,278	\$83,716	\$85,342

Adopted. Yeas, 12; Nays none.  
Absent - Johnson Lee.  
Passed June 21, 2002.  
Approved June 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee, having received a recommendation for an extraordinary salary offer to an employee hired to the position of Facility Services Supervisor at the Minneapolis Convention Center based on his qualifications and experience, now recommends that the proper City officers be authorized to offer Step 6 salary to James Berg for said position.

Adopted. Yeas, 12; Nays none.  
Absent - Johnson Lee.  
Passed June 21, 2002.  
Approved June 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute Amendment No. 4 to Contract #8141 with Wallace Dube for maintenance and warranty management services at the Minneapolis Convention Center, extending said contract for one year for the period of July 1, 2002 through June 30, 2003, with an option to renew for two additional years through June 30, 2005. The contract cost shall not exceed \$84,760 through June 30, 2003, \$86,390 through June 30, 2004 and \$88,020 through June 30, 2005 and is payable from the Convention Center Operations Fund (0760-MCC).

Adopted. Yeas, 12; Nays none.  
Absent - Johnson Lee.  
Passed June 21, 2002.  
Approved June 27, 2002. R.T. Rybak, Mayor.  
Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute change orders to the following contracts for additional work required on the Convention Center Project, payable from the Convention Center Site Agency in the Permanent Improvement Projects Fund (4100-975-9751):

a) Change Order #5 to Contract #15817 with Gephart Electric Company, Inc., increasing the contract by \$9,075, for a new contract total of \$992,961;

b) Change Order #19 to Contract #15236 with Harris Mechanical increasing the contract by \$106,279, for a new contract total of \$18,272,376;

c) Change Order #7 to Contract #15489 with Crawford Door Sales Co., increasing the contract by \$13,235, for a new contract total of \$395,381.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 21, 2002. P. Ostrow, Acting Mayor.

Attest: M. Keefe, City Clerk.

(Published July 3, 2002)

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution increasing the appropriation for the Environmental Health Division by \$4,000 to represent a grant from the Federal Drug Administration (FDA) for an Active Managerial Control Workshop.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 2002R-231**

**By Johnson**

**Amending The 2002 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Licenses and Consumer Services Agency in the Grants - Other Fund (0300-835-8391) by \$4,000 and increasing the revenue source (0300-835-8391 - Source 3210) by \$4,000.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

(Republished July 10, 2002)

**W&M/Budget** - Your Committee, having under consideration the Central Av Crime Prevention Through Environmental Design (CPTED) Demonstration Project and having been informed that additional services are required under the construction services contract for the project, now recommends that the proper City officer be authorized to execute Amendment No. 1 to Contract C-17004 with Arrigoni Brothers Company, increasing the contract by \$90,623.50 and extending the contract through December 31, 2002. Funding for the increase is available in the existing project budget.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee, having under consideration the Finance Department's efforts to implement accounting and reporting changes to comply with the Governmental Accounting Standards Board Statement 34 (GASB 34) requirements and having been informed that an upgrade is required to the City's financial software system, now recommends that the proper City officers be authorized to amend the City's agreement with Deloitte & Touche, LLP for project assistance to correct the scope of engagement of the agreement to include "project management for the FISCOL



2.2 upgrade" to be within the overall scope of "implementation" as included in said agreement approved by the Council on March 1, 2002.

Your Committee further recommends that the Finance Department be authorized to spend up to an additional \$400,000 for said contractual services for the GASB 34 compliance through the third quarter of 2002, under the amended project budget also approved by the Council on March 1, 2002.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee, having under consideration implementation of changes to meet the requirements of the Governmental Accounting Standards Board Statement 34 (GASB 34) requirements and having been informed by the Information and Technology Services (ITS) Division that a requirement of said implementation is an inventory of all the City's fixed assets, now recommends that the proper City officers be authorized to amend the City's agreement with Deloitte & Touche, LLP by increasing the contract compensation in the amount of \$125,400 to provide for said inventory services. The contract increase is payable from the existing ITS budget.

Adopted. Yeas, 11; Nays none.

Declining to Vote - Schiff.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** - Your Committee, having received a report outlining the work of the Job Bank Steering Committee since implementation of a hiring and promotion freeze on January 22, 2002 (Petr No 268016), now recommends concurrence with the committee's recommendation that the City's current hiring and promotion freeze be lifted. Further, since future budget challenges remain for the City and state revenue levels remain uncertain, it is recommended that City department heads be required to report on their hiring decisions on a monthly basis to the Ways & Means/Budget Committee.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

The **ZONING & PLANNING** Committee submitted the following reports:

**Z&P** - Your Committee, having under consideration the application of The Lander Group (#1371) to vacate a portion of Dorman Ave to allow a mixed-use development at 4630 E Lake St which includes 53 rental dwelling units and 8,900 square feet of ground floor commercial uses, now concurs in the recommendation of the Planning Commission to grant said vacation, subject to retention of easement rights by Xcel Energy, Qwest and the City of Minneapolis, and to adopt the findings prepared by the Planning Department.

Your Committee further recommends passage and summary publication of the accompanying resolution vacating said avenue.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-232, vacating undeveloped Dorman Avenue right of way between developed Dorman Avenue and Lake St S was passed June 21, 2002 by the City Council and approved June

27, 2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2002R-232**

**By Schiff**

**Vacating undeveloped Dorman Avenue right of way between developed Dorman Avenue and Lake Street South.**

Resolved by The City Council of The City of Minneapolis:

That all that part of Dorman Avenue, as dedicated in the plat of Dorman's 3<sup>d</sup> Addition, Hennepin Co., MN, which lies south of the easterly extension of the north line of Lots 16-30, and which lies north of the easterly extension of the south line of Lot 15, said Dorman's 3<sup>d</sup> Addition, is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy, Qwest, and the City of Minneapolis, their successors and assigns, to enter upon that portion of the aforescribed street which is described in regard to each of said corporations as follows, to wit:

As to Xcel Energy: the north 10.00 feet of the vacated area;

As to Qwest: the entire vacated area;

As to the City of Minneapolis: the entire vacated area;

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations and the City of Minneapolis, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said street upon or within the above-described areas without first obtaining the written approval of the corporations and the Director of Public Works of the City of Minneapolis having utility facilities located within the area involved authorizing them to do so.

Where the area described above in regard to any of the other corporations, or any part thereof lies within the area described above in regard to the City of Minneapolis, the rights reserved to the other corporation or corporations shall be subordinate to the rights reserved to the City of Minneapolis to the same extent that said rights would be subordinate if this street had not been vacated.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration the application of the Minneapolis Community Development Agency (#1379) to vacate a portion of the existing utility easement in the vicinity of the southeast side of 5<sup>th</sup> Ave S between Washington Ave S and 2<sup>nd</sup> St S to permit a planned unit development (including Phases One and Two only), now concurs in the recommendation of the Planning Commission to grant said vacation, subject to retention of easement rights by Xcel Energy, and to adopt the findings prepared by the Planning Department.

Your Committee further recommends passage and summary publication of the accompanying resolution vacating said avenue.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 2002R-233, vacating a portion of the existing utility easement in the vicinity of the southeast side of 5<sup>th</sup> Ave S between Washington Ave S and 2<sup>nd</sup> St S (reserved by Doc #1448909 and not included in Doc #3332295) was passed June 21, 2002 by the City Council and approved June 27,

2002 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2002R-233**

**By Schiff**

**Vacating a portion of the existing utility easement in the vicinity of the southeast side of 5<sup>th</sup> Avenue South between Washington Avenue South and 2<sup>nd</sup> Street South (reserved by Doc #1448909 and not included in Doc #3332295).**

Resolved by The City Council of The City of Minneapolis:

That a portion of the existing utility easement in the vicinity of the southeast side of 5<sup>th</sup> Avenue South between Washington Avenue South and 2<sup>nd</sup> Street South (reserved by Doc #1448909 and not included in Doc #3332295), Minnesota is hereby vacated.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee recommends concurrence in the recommendation of the Planning Commission granting the petition of Trinity Housing Corporation (BZZ-504) to rezone the property at 2805 E Lake St from C1 to the C2 District and properties at 3015 and 3017 - 28<sup>th</sup> Ave S from R6 to the C2 District to permit a 24-unit residential apartment building, and adopting the related findings prepared by the Planning Department.

Your Committee further recommends passage and summary publication of the accompanying ordinance amending the Zoning Code.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-056, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 2805 E Lake St, 3015 and 3017 - 28<sup>th</sup> Ave S to the C2 District, was passed June 21, 2002 by the City Council and approved June 27, 2002 by the Mayor. A complete copy of the ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2002-Or-056**

**By Schiff**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 6/21/2002**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lots 12, 13 and 14, Block 2, V.G. Hush's Addition to Minneapolis, Hennepin County, MN and except the north 10 feet of Lot 14 taken for highway purposes;

B. Lot 11, Block 2, V.G. Hush's Addition to Minneapolis, according to the map or plat thereof on file of record in the office of the registrar of deeds in and for said Hennepin County;

C. Lot 10, Block 2, V.G. Hush's Addition to Minneapolis, according to the map or plat thereof on file of record in the office of the registrar of deeds in and for said Hennepin County, (2805 E Lake St, 3015 - 28<sup>th</sup> Ave S and 3017 - 28<sup>th</sup> Ave S - Plate 27) to the C2 District.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to *Zoning Code: Commercial Districts*, to amend the lot area requirements for dwelling units, as part of a mixed use building in the C1, C2, C3A, C3S and C4 commercial districts, now concurs in the recommendation of the Planning Commission that the related findings be adopted and that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends summary publication of the above-described ordinance.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2002-Or-057 amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to *Zoning Code: Commercial Districts*, amending lot area requirements for dwelling units as part of a mixed use building in the commercial districts, specifically Table 548-4 Residential Lot Dimension Requirements in the C1 District; Table 548-5 Residential Lot Dimension Requirements in the C2 District; Table 548-6 Residential Lot Dimension Requirements in the C3A District; Table 548-7 Residential Lot Dimension Requirements in the C3S District; and Table 548-8 Residential Lot Dimension Requirements in the C4 District, was passed June 21, 2002 by the City Council and approved June 27, 2002 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2002-Or-057**  
**By Niziolek and Schiff**  
**Intro & 1<sup>st</sup> Reading: 4/5/2002**  
**Ref to: Z&P**  
**2<sup>nd</sup> Reading: 6/21/2002**

**Amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to Zoning Code: Commercial Districts.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the following portion of Table 548-4 of the above-entitled ordinance be amended to read as follows:

<b>Table 548-4 Residential Lot Dimension Requirements in the C1 District</b>		
<b>Use</b>	<b>Minimum Lot Area (Square Feet)</b>	<b>Minimum Lot Width (Feet)</b>
<b>RESIDENTIAL USES</b>		
<b>Dwellings</b>		
Dwelling unit, as part of a mixed use building	5,000 <del>or</del> 1,500 sq. ft. per dwelling unit, <del>whichever is greater</del>	None

Section 2. That the following portion of Table 548-5 of the above-entitled ordinance be amended to read as follows:

**Table 548-5 Residential Lot Dimension Requirements in the C2 District**

<b>Use</b>	<b>Minimum Lot Area (Square Feet)</b>	<b>Minimum Lot Width (Feet)</b>
<b>RESIDENTIAL USES</b>		
<b>Dwellings</b>		
Dwelling unit, as part of a mixed use building	5,000 <del>or</del> 900 sq. ft. per dwelling unit, <del>whichever is greater</del>	None

Section 3. That the following portion of Table 548-6 of the above-entitled ordinance be amended to read as follows:

**Table 548-6 Residential Lot Dimension Requirements in the C3A District**

<b>Use</b>	<b>Minimum Lot Area (Square Feet)</b>	<b>Minimum Lot Width (Feet)</b>
<b>RESIDENTIAL USES</b>		
<b>Dwellings</b>		
Dwelling unit, as part of a mixed use building	5,000 <del>or</del> 400 sq. ft. per dwelling unit, <del>whichever is greater</del>	None

Section 4. That the following portion of Table 548-7 of the above-entitled ordinance be amended to read as follows:

**Table 548-7 Residential Lot Dimension Requirements in the C3S District**

<b>Use</b>	<b>Minimum Lot Area (Square Feet)</b>	<b>Minimum Lot Width (Feet)</b>
<b>RESIDENTIAL USES</b>		
<b>Dwellings</b>		
Dwelling unit, as part of a mixed use building	5,000 <del>or</del> 900 sq. ft. per dwelling unit, <del>whichever is greater</del>	None

Section 5. That the following portion of Table 548-8 of the above-entitled ordinance be amended to read as follows:

**Table 548-8 Residential Lot Dimension Requirements in the C4 District**

<b>Use</b>	<b>Minimum Lot Area (Square Feet)</b>	<b>Minimum Lot Width (Feet)</b>
<b>RESIDENTIAL USES</b>		
<b>Dwellings</b>		
Dwelling unit, as part of a mixed use building	5,000 <del>or</del> 900 sq. ft. per dwelling unit, <del>whichever is greater</del>	None

Adopted. Yeas, 13; Nays none.  
 Passed June 21, 2002.  
 Approved June 27, 2002. R.T. Rybak, Mayor.  
 Attest: M. Keefe, City Clerk.

**Z&P** - Your Committee, having under consideration a petition forwarded from the Minnesota Environmental Quality Board, filed by Jennifer Liebenow, requesting the preparation of an Environmental Assessment Worksheet (EAW) for the vegetation management at Cedar Lake's Hidden Beach, and having received the report and Findings prepared by the Planning Department and recommendation that the development of a Discretionary EAW not be required, now recommends that the Council not order the development of a Discretionary EAW, and that the related Findings be adopted.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

### **Motions**

Johnson, Chair of the Ways & Means/Budget Committee, moved that the regular payrolls for all City employees under City Council jurisdiction for the month of July, 2002, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Zimmermann, Chair of the Claims Committee, moved concurrence in the reports received from the Finance Department (Petn No 268026) recommending payment of workers' compensation to various employees and to the State Fund, and for payment of bills and professional services rendered claimants or employees injured on the job. Seconded.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Lane introduced the subject matter of an Ordinance amending Chapter 3, Section 2, of the Minneapolis City Charter related to the line of succession in the City of Minneapolis when the Mayor is unable to discharge his or her required duties which was given its first reading and referred to the Intergovernmental Relations Committee.

Zimmermann moved to waive the 30-day filing time and time of event (Weekdays-No earlier than 6 PM or later than 10:30 PM) as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Shannon Mickelberg, for Marshall Field's, for business district block events to be held June 14 and 15, 2002, and having approval granted by the Police Department to grant said waivers, as follows:

a) Between the hours of 9 a.m. on Friday, June 14, to 10:00 p.m. on June 15, 2002 on 24<sup>th</sup> Street West between Stevens and 3<sup>d</sup> Avenues South; and

b) Between the hours of 10 a.m. on Friday, June 14, to 12 midnight on Saturday, June 15, 2002, on 3<sup>d</sup> Avenue South between 16<sup>th</sup> and 18<sup>th</sup> Streets East.

Seconded.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Goodman's motion to waive the 30-day filing time for applicant Philip Disch for the Minneapolis Downtown Council for a business district block event waiver was deleted from the agenda.

Lilligren moved to waive the 30-day filing time and time of event (Weekdays-No earlier than 6 PM or later than 10:30 PM) as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Leigh Combs for Intermedia Arts for a business district block event to be held between the hours 10:00 a.m. to 7:00 p.m. on July 4, 2002, on 5th Avenue South between Lake and 28th Streets East, subject to approval being granted by the Police Department to grant said waiver. Seconded.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Benson moved to waive the 14-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Nancy Easter for a residential block event to be held Friday, June 28, 2002, between the hours of 5:30 p.m. and 10:00 p.m. on Aldrich Avenue South between 48<sup>th</sup> and 49<sup>th</sup> Streets. Seconded.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Lane moved to waive the 14-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Ellen Young for a residential block event to be held June 18, 2002, between the hours of 7:00 p.m. and 8:30 p.m. on York Avenue South between 38<sup>th</sup> and 39<sup>th</sup> Streets West. Seconded.

Adopted. Yeas, 13; Nays none.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Schiff introduced the subject matter of an ordinance amending Title 5, Chapter 109 of the Minneapolis Code of Ordinances relating to *Building Code: Signs and Billboards*, which was given its first reading and referred to the Ways & Means/Budget Committee (Providing for a policy prohibiting the City from providing financial contributions, directly or as a fiscal agent for another agency, for billboard advertising).

Schiff introduced the subject matter of an ordinance amending Title 13, Chapter 277, of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Building Trades Licenses*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Creating a licensing category for deconstruction contractors).

Schiff introduced the subject matter of an ordinance amending Title 16, Chapter 414, of the Minneapolis Code of Ordinances relating to *Planning and Development: In General*, which was given its first reading and referred to the Community Development Committee (Providing for deconstructing requirements applicable to publicly financed development activities).

Johnson Lee introduced the subject matter of an ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to Interim Ordinances which was given its first reading and referred to the Zoning and Planning Committee (Providing for a moratorium on all new or expanded commercial, residential and industrial development in the project area for the Downtown East/North Loop Master Plan).

#### **New Business**

Ostrow introduced an Ordinance amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Licenses*, which was given its first reading and

referred to the Public Safety & Regulatory Services Committee (Adding Section 362.38 to permit contract concessionaires at Park Board sites to have cash bars for events).

Ostrow moved to adjourn to Room 315 City Hall immediately following the Minneapolis Community Development Agency Board of Commissioners meeting to consider the following lawsuits:

- a) Swierczek, et. al. vs. City of Minneapolis, et al.
- b) Buford vs. Tatro
- c) Fletcher, et al. vs. Tom Thumb and City of Minneapolis
- d) Taylor O'Shea vs. City of Minneapolis

Seconded.

Adopted. Yeas, 13; Nays none.

Room 315 City Hall  
Minneapolis, Minnesota  
June 21, 2002 - 11:45 a.m.

The Council met pursuant to adjournment.

President Ostrow in the Chair.

Present - Council Members Biernat, Johnson, Colvin Roy, Zimmermann (Out at 12:42, returned at 12:48), Schiff (In at 11:55, out at 12:37, returned at 12:45), Zerby, Lilligren (In at 11:59), Johnson Lee (In at 11:56; out at 12:30), Niziolek, Benson, Goodman (In at 12:04), Lane, President Ostrow.

Jay Heffern, City Attorney, stated that the meeting may be closed for the purpose of receiving confidential information on the following lawsuits that are all in active litigation:

- a) Swierczek, et. al. vs. City of Minneapolis, et al.
- b) Buford vs. Tatro
- c) Fletcher, et al. vs. Tom Thumb and City of Minneapolis
- d) Taylor O'Shea vs. City of Minneapolis

Johnson moved to close the meeting for the purpose of consideration of the above stated lawsuits. Seconded.

Adopted upon a voice vote.

The meeting was closed at 11:48 a.m.

Tim Skarda, Assistant City Attorney, summarized the *Swierczek, et al. vs. the City of Minneapolis* lawsuit from 11:51 a.m. to 12:02 p.m.

Also present: Jay Heffern; Michael Norton, Deputy City Attorney; Jim Moore and Scott Reeves, Assistant City Attorneys; Police Chief Robert Olson; Steve Ristuben, Assistant City Clerk; and Jan Hrnecir, City Clerk's office.

Jim Moore summarized the *Fletcher, et al. vs. Tom Thumb and City of Minneapolis* lawsuit from 12:02 to 12:21 p.m.

Also present: Jay Heffern, Michael Norton, Tom Skarda, Scott Reeves, Chief Olson, Steve Ristuben, Jan Hrnecir.

Tim Skarda summarized the *Buford vs. Tatro* lawsuit from 12:21 to 12:42 p.m..

Also present: Jay Heffern, Michael Norton, Scott Reeves, Chief Olson, Steve Ristuben, Jan Hrnecir.

Scott Reeves summarized the Taylor O'Shea vs. the City of Minneapolis lawsuit from 12:43 to 1:10 p.m.



Also present: Jay Heffern, Michael Norton, Steve Ristuben, Jan Hrnica.

The closed portion of the meeting was tape recorded with the tape on file in the office of the City Clerk.

Lane moved to open the meeting for the purpose of taking action on two of the lawsuits. Seconded.

Adopted upon a voice vote.

Johnson moved that the City Attorney be authorized to enter into a settlement agreement in the case of *Fletcher and Teamah vs. Tom Thumb and the City of Minneapolis*, United States District Court File No. 99-1680 (DWF/SRN) as follows:

The City agrees to include a specific policy in the Police Department's Policies and Procedures Manual relating to discrimination in public accommodation and to conduct in-service training on discrimination and public accommodation of all Minneapolis police officers to be completed by the fall of 2003.

The City will stipulate to the Court's continuing jurisdiction over the claims of failure to abide by the foregoing agreement. The City will agree to announcement of the new policy and training at a press conference.

The specific language of the policy and the training protocol shall be negotiated with Plaintiff's attorneys by the City Attorney in cooperation with the Minneapolis Police Department.

The City will pay the sum of \$10,000.00 for full and final settlement of all claims, including claims of attorney's fees. Said payment shall be made from Fund/Org. 690 150 1500 4000 and be made payable to Mary Fletcher, Jean Teamah and their attorneys Jill Clarke and Jill Waite.

The City Attorney is authorized to execute all documents necessary for a finalization of this settlement. Seconded.

Adopted. Yeas, 12; Nays none.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Lane moved that the City Attorney be directed to file an appeal in the case of Taylor J. O'Shea vs. the City of Minneapolis (Hennepin County District Court #01-12433). Seconded.

Adopted. Yeas, 11; Nays, 1 as follows:

Yeas - Biernat, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Benson, Goodman, Lane, Ostrow.

Nays - Niziolek.

Absent - Johnson Lee.

Passed June 21, 2002.

Approved June 27, 2002. R.T. Rybak, Mayor.

Attest: M. Keefe, City Clerk.

Jay Heffern announced that the lawsuit relating to Redistricting will be considered at the City Council meeting of July 12, 2002.

The meeting was adjourned at 1:10 p.m.

Merry Keefe,  
City Clerk.

Created: 6/25/2002;  
Modified: 7/01/2002;  
Corrected: 7/22/2002; 9/4/2002; 9/19/2002